



# ROMOLAND SCHOOL DISTRICT

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*Bobbie Plough, Superintendent*

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May 7, 2009

**Marlene H. Dortch, Secretary**  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Dear Ms. Dortch,

Enclosed, please find our "Request for Review or Waiver" of a decision on an appeal as follows:

**Appellant: Romoland Elementary School District**

**BEN: 143760**

**Form 471: 406478**

**FRN: 1124535**

**Administrators Decision on Appeal of Denial of Invoice Deadline Extension  
Request dated March 20, 2009.**

**Decision on Appeal: Denied in full**

Please feel free to contact me for any further information. Thank you.

Sincerely,

**David Guckert, Director**  
Maintenance & Operations  
Romoland School District

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After approval of the Implementation Deadline Extension Request, there were other administrative matters such as amending the original contract expiration date, issuing Purchase Orders, and filing FCC Form 500 before actual work could begin. These tasks were taken care of and work on the cable infrastructure was completed. Romoland paid Universal Networks for the non-discounted portion of the completed work.

The purchase and installation of network equipment was further delayed because the equipment originally specified and approved was no longer available from the manufacturer and, with the help of Universal Networks technical staff, Romoland completed a Service Substitution request which the Administrator ultimately approved and the Implementation Deadline was extended to September 30, 2008.

While the Service Substitution was being processed, the Universal Networks installed temporary "loaner" equipment so that the network would be operational for the start of school. Universal Networks promised to switch out the old loaner equipment with the new e-rate equipment once the Service Substitution was approved by the Program Administrator.

In the time between approval of the Service Substitution Request and the extended Implementation Deadline, Romoland routinely followed up with Universal Networks regarding the new equipment installation. Universal Networks repeatedly assured Romoland that everything was fine and that the new equipment would be installed before 09/30/2008 and that an Invoice would be sent in time for the Invoice Deadline of January 28, 2009.

On November 5, 2008 Romoland received an Invoice from Universal Networks for the balance of the work on FRN 1124535 and went to inspect the installation of new equipment in preparation for payment of the invoice. Romoland discovered that even though the invoice indicated that new equipment had been installed, there was in fact only used "loaner" equipment.

Universal Networks did not respond to repeated requests to explain the discrepancy between the invoice and the equipment installed. In fact, Universal Networks suddenly stopped all communications with Romoland.

On January 9, 2009 Romoland sent a certified letter to Universal Networks indicting that if they did not respond by January 19<sup>th</sup>, 2009 that Romoland would consider that Universal Networks had abandoned the project. Universal Networks never responded to Romoland.

On January 21, 2009 Romoland filed an Implementation Deadline Extension request explaining that Romoland needs time to find a new service provider because Universal Networks had abandoned the work. On February 27, 2009 the Program Administrator denied the request.

On March 9, 2009 Romoland filed an appeal with the Program Administrator. The appeal was denied on March 20, 2009.

### **Discussion**

The construction delays and a large number of amendments required by this project resulted in the need for multiple Implementation Deadline extensions. Clearly Romoland was diligent following these timelines and monitoring this project. This is substantiated by the timely filed and prior approved Deadline Extension requests, and Form 500 filings made with the Program Administrator. Romoland's internal processes of contract modification and Purchase Order issuance is also evidence that Romoland was diligently following up on this project.

Universal Networks had completed several prior projects for Romoland and had in fact previously completed a large portion of the work on this FRN. They actively worked with Romoland to get contract extensions, Service Substitutions and Implementation extensions for this FRN. There was simply nothing in prior actions of Universal Networks that would cause Romoland to suspect that Universal Networks would suddenly act irresponsibly.

## **Conclusion**

Romoland's Implementation Deadline Request was after the deadline because Romoland did not discover the need for an Implementation Deadline Extension until after the deadline. The reason for this delay was that Universal Networks misled Romoland regarding the status of the work. Not only did Universal Networks fail to notify Romoland that they would not be able to meet the promised deadline, they even sent an invoice to Romoland indicating that they had completed this work.

Prior to receiving the Invoice and inspecting the work, Romoland had no way to know that the work was not completed. The network was functioning with the "loaner" equipment and there was no reason for Romoland to doubt that Universal Networks had replaced the "loaner" equipment with new equipment as indicated in their invoice.

The fact that the need for an Invoice Deadline Extension Request became apparent during the Invoicing Deadline period is significant in this case. It was as Romoland performed a routine inspection prior to paying an invoice that the need for an Invoice Deadline Extension request became apparent.

Romoland requests that the FCC waive the time limit in this case and grant the Invoice Deadline Extension Request.