

**Nathaniel Hawthorne, Attorney/Consultant, Ltd.**  
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Received & Inspected

June 26, 2009

JUN 30 2009

FCC Mail Room

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

RE: APPEAL Spring Cove School District / CC Docket No. 96 – 45; CC Docket No.  
97 - 21

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

Please time stamp the extra copy and return it to me in the enclosed self addressed-  
stamped envelope.

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. : 237693  
**27600 Chagrin Blvd., Ste. 265**  
**Cleveland, OH 44122**  
tel.: 216/514.4798  
e-mail: nhawthorne@earthlink.net

Attorney for  
Spring Cove School District

0+4

27600 Chagrin Blvd., Ste. 265, Cleveland Ohio 44122  
nhawthorne@telecomlawyer.com; www.telecomlawyer.com  
Admitted: District of Columbia, Ohio, Illinois

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Received & Inspected

**JUN 30 2009**

FCC Mail Room

|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| In the Matter of the                 | ) | File No. SLD -        |
|                                      | ) |                       |
| Appeal of the Decision of the        | ) |                       |
|                                      | ) |                       |
| Universal Service Administrator by   | ) |                       |
| the                                  | ) |                       |
|                                      | ) |                       |
| Spring Cove School District          | ) |                       |
|                                      | ) |                       |
|                                      | ) |                       |
|                                      | ) | CC Docket No. 96 - 45 |
| Federal-State Joint Board on         | ) |                       |
| Universal Service                    | ) |                       |
| Changes to the Board of Directors of | ) |                       |
| The National Exchange Carrier        | ) |                       |
| Association, Inc.                    | ) | CC Docket No. 97 - 21 |

Appeal  
Request for Expedited Relief

June 26, 2009

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, S.W., Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
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stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

**Exhibit A**

**Express Mail EB 848536452 US**

Form 471 Application Number: 671757  
Funding Year 12: 07/01/2009-06/30/2010  
BEN: 125609  
Date of Funding Denial Notice: May 27, 2009  
**Date of Appeal: June 25, 2009**

**(2) SLD Contact Information**

Linda Alexander  
Spring Cove School District  
Ste 260-27600 Chagrin Blvd.  
Cleveland Ohio 44122-4449  
Tel. (216) 514-3336  
Fax. (216)514-3337

**(3) Funding Request Numbers Appealed**

FRN:1833471(web hosting)

**(4) USAC's Reason for Funding Denial**

Funding is denied because:

“30% or more of this FRN includes a request for School Net licensing fee which is an ineligible product(s)/service(s) based on program rules.”

**(5) Law and Argument**

- a) The Applicant was asked to and did provide documentation that identified the actual product/service delivered. **Exhibit B**
- b) The Applicant was asked to and did provide the Contract and specified the product/service delivered. **Exhibit C**
- c) Applicants Web Hosting is eligible. Client Licenses are required to make the service work, and pursuant to FCC rules, the Eligible Services List, Client Licenses are eligible for USF funding.

**Exhibit D**

**The FCC's Eligible Services List provides, *in relevant part*:**

i) A web hosting service that provides a means for a school or library to display content on the Internet is eligible. Domain name registration necessary for the creation of a school or library website is eligible for discount. Funding is limited strictly to the following eligible web hosting functions:

- Provision of web site traffic (bandwidth)
- Provision of disk space for storing applicant provided content
- Provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files

[http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

And,

i) Web Hosting provides a school or library website at an external location outside of the school's or library's premises. A website is a location (such as [www.schoolname.org](http://www.schoolname.org)) for World Wide Web content made available to those accessing the site.

[http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

ii) Client Access Licenses

(Software) A Client Access License is a software licensing approach used by some vendors that provides authorization to access a software product.

[http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_112108.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_112108.pdf)

**USAC denied the Application.**

(7) USAC's denial was unreasonable and contrary to the rules and regulations<sup>1</sup> of the

Federal Communications Commission for the following reason:

Client Licenses for Web Hosting are clearly eligible for funding.

---

<sup>1</sup> See 47 C.F.R. § 54.522; also, section 54.522 requires the Commission to issue a public notice attaching the final ESL for the upcoming funding year at least 60 days prior to the opening of the funding window for the schools and libraries universal service program.

**Express Mail EB 848536452 US**

**Conclusion:**

Based on the documentation provided by USAC to the Applicant, ALL charges should be granted.

Spring Cove is Requesting the Following Action by the FCC:

(a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN: 1833471

(b) Set aside funds to totally fund Spring Cove School District 's request.

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. : 237693  
27600 Chagrin Blvd., Ste. 265  
Cleveland, OH 44122  
tel.: 216/514.4798  
e-mail: nhawthorne@earthlink.net

Attorney for  
Spring Cove School District

Cc: Spring Cove School District

EXHIBIT A



**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2009: 07/01/2009 - 06/30/2010)

May 27, 2009

LINDA ALEXANDER  
SPRING COVE SCHOOL DISTRICT  
STE 260-27600 CHAGRIN  
CLEVELAND, OH 44122-4449

Re: Form 471 Application Number: 671757  
Billed Entity Number (BEN): 125609  
Billed Entity FCC RN: 0012839411  
Applicant's Form Identifier: YR12SPRINGCOVE#2

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$5,257.11 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 671757 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

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

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

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

If you wish to appeal a decision in this letter to 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 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 website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

=====

FUNDING COMMITMENT REPORT  
Billed Entity Name: SPRING COVE SCHOOL DISTRICT  
BEN: 125609  
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 671757  
Funding Request Number: 1833471  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 116540000703881  
SPIN: 143025884  
Service Provider Name: SchoolNet, Inc.  
Contract Number: C  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2009  
Service End Date: N/A  
Contract Award Date: 02/11/2009  
Contract Expiration Date: 06/30/2010  
Shared Worksheet Number: 1086397  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$9,223.00  
Pre-discount Amount: \$9,223.00  
Discount Percentage Approved by the USAC: 57%  
Funding Commitment Decision: \$0.00 - Ineligible Services/Products  
Funding Commitment Decision Explanation: DR1: 30% or more of this FRN includes a request for School Net licensing fee which is an ineligible product(s)/service(s) based on program rules.

FCDL Date: 05/27/2009

Wave Number: 005

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

EXHIBIT B

## FAX COVER SHEET

To: Chiamaka Ofoma – PIA/Associate Manager  
Fax: 1.973.599.6521  
From: Linda Alexander  
Date: May 14,2009  
Pages: 5 (Including Cover)  
RE: Spring Cove School District – Application #671495, 671757

### SLD Request

FRN 1832820 is a request for Internet Access Service, but the documentation does not indicate the bandwidth of the service being provided. Please indicate the bandwidth of the Internet Access that is being provided.

### Response

FRN 1832820 covers internet access through cellular telephone networks. The speed will vary depending on what network is available in a particular location. The speed varies between 144Kbps and 2.45Mbps which is equivalent to the speed between DS0 and DS1 line.

### SLD Request

The rules of this program require that a signed contract with the service provider be in place at the time of the submission of the FCC Form 471 certification.

**Please provide a copy of the full contract, signed by the applicant and dated, to verify the correct Contract Award Date ("CAD").** Failure to provide a signed and dated contract may be cause for denial.

If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files.

For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider at [www.usac.org/sl/applicants/step04/default.aspx](http://www.usac.org/sl/applicants/step04/default.aspx).

In addition to providing the contract; is the **Form 470 #116540000703881** on your Form 471 **application # 671495** the establishing Form 470 for services associated with Funding Request Number(s) (FRN) **1832856**? **Yes or No.**

**If No, please provide the following information:**

- Please provide the 15-digit Form 470 Number that established the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

**If Yes, please provide the following information:**

- You indicated the Contract Award Date (CAD) for service is **2/6/2008** for your FCC Form(s) 471 Block 5 Item 18, associated with Funding Request Number(s) (FRN) **1832856**. Was the incorrect date entered at the time the FCC Form 471 was completed? **Yes or No.**

**If Yes, please provide the following information:**

- USAC with the correct Contract Award Date.
- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.

#### **CERTIFICATION**

I certify that I am authorized to make the representations set forth below on behalf of **SPRING COVE SCHOOL DISTRICT** the entity represented on this letter, and am the most knowledgeable person with regard to the information set forth herein. I certify that the contract referenced for Funding Request Number(s) (FRNs) **1832856**, meets my state or local procurement regulations or rules. -----: the Contract Award Date (CAD) is **<mm/dd/yyyy>** as reflected on the supporting documentation for this contract.> I acknowledge that false statements 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 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 declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_ [city], \_\_\_\_\_ [state].

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Employer \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Address \_\_\_\_\_

**Response**

**Form 471 Application Number 671495 for Funding Request Number 1832864 contains two errors.**

- 1. The correct 470 Application Number is 32680000643566.**
- 2. The correct Contract Award Date is 02/07/2008.**

**SLD Request**

**III**

For FRN 1833471- WEBHOSTING for \$9223 ANNUALLY, the documentation provided in the Item 21 Attachments is not sufficient to determine the eligibility of your request. The documentation does not sufficiently describe the products and services being requested, so we cannot determine the eligibility of your request.

**Please provide more detailed documentation, such as the vendor quotes/bills that identifies the actual products and services being delivered.** If the bill you receive does not identify the specific products and services being delivered, you will need to contact your vendor and request such documentation.

Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request. If you are unable to justify the charges requested on your Form 471, the request may be reduced or denied.

**Response**

**Please see attached quote from School Net**

**SLD Request**

**IV**

Based on the documentation you have provided, FRN **1833471** includes web hosting. Intranet web hosting and/or password-protected pages are now eligible. Does your request include charges for intranet web hosting and/or password-protected pages?

\_\_\_ Yes \_\_\_ No

If No, no further information is needed at this time.

If Yes and you classified these charges as ineligible items or excluded the costs from the FRN, you may provide a revised cost allocation. Costs associated with these charges are eligible for FY 2009 and going forward. If associated costs have been removed, please submit documentation to include the charges in your funding request and the rationale you used to calculate the intranet amount.

**Response**

**No. There were no charges for Intranet web hosting and/or password-protected pages included in the FRN request.**

**Any additional questions, please do not hesitate to contact me.**

**Linda Alexander, email: [lalexander@epicinc.org](mailto:lalexander@epicinc.org)  
Tel: 216.682.0169 Fax: 216.514.3337**

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EXHIBIT C



Addendum to Master Agreement

This addendum ("Addendum") entered into as of February 9, 2009 between Spring Cove School District ("DISTRICT") and SchoolNet, Inc. ("SchoolNet") will serve as an amendment to the agreement made on July 1, 2004 between the parties and any previously-executed amendments thereto (collectively, the "Agreement"). All terms not otherwise defined herein shall have the meanings given to them in the Agreement.

- 1. **Product Licensing:** This Addendum shall provide for the continuation of product licensing of the Outreach Module for the period from July 1, 2009 to June 30, 2010 (the "Renewal Period") for a total of up to 1,897 students.
- 2. **Professional Services:** Ongoing support services, professional development and any other professional services shall be separately contracted under additional addenda, based on SchoolNet's then-current rates. SchoolNet's rate card will be provided upon request; SchoolNet reserves the right to change SchoolNet's rates on thirty (30) days' prior written notice.
- 3. **Pricing and Payment Schedule:** The total cost for the Product Licensing during the Renewal Period will be \$9,223 as summarized in the table below.

| Payment Due Date  | Description of Payment | Total Payment Amount |
|-------------------|------------------------|----------------------|
| Upon Renewal Date | Licensing Fees         | \$9,223              |
| <b>Total</b>      |                        | <b>\$9,223</b>       |

All payments shall be invoiced prior to the due dates specified above, and are due on such due date.

Thank you for your continued relationship with us. We look forward to serving you for many years to come.

SchoolNet, Inc.

C. Andrew Johns  
Chief Financial Officer

Approved:  
Spring Cove School District

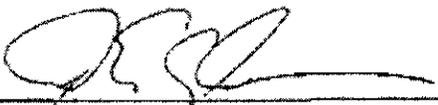
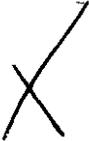
Name   
 Title Business Manager/Board Secretary  
 2-11-09

EXHIBIT D

|   |   |
|---|---|
|  | <p>E-mail software or other eligible components that include content filtering as an integral component part are eligible, but a separately priced content filtering module or product is not eligible.</p> <p>Software for a server-based, shared <u>voice mail</u> system is eligible.</p> <p><u>Client Access Licenses</u> for eligible software products are eligible, but <u>Client Access Licenses</u> for ineligible software products are not eligible.</p>   |
| <p>Storage Devices</p>  | <p>Storage devices provide electronic data storage on magnetic or other media. Devices include <u>hard disk drives</u>, CD ROM drives, DVD drives, and floppy disk drives.</p> <p>Storage products may be used to store the operating system of an eligible product, such as a network server used for an eligible purpose. (See the entry for <u>Servers</u> for further information.) In addition, storage products may be used for eligible e-mail files.</p> <p>An eligible server or other eligible component that provides a storage product such as a DVD drive as an integral component part at no additional cost is eligible.</p>   |
| <p>Telephone Components</p>   | <p>Centralized components that are an essential element in the transport of telephone services within a school or library are eligible. This includes:</p> <ul style="list-style-type: none"> <li>• <u>Private Branch Exchange (PBX)</u></li> <li>• <u>Key System (KSU)</u></li> <li>• <u>Voice Mail Components</u></li> <li>• <u>Wireless PBX Adjunct</u></li> <li>• VoIP Telephony Equipment</li> </ul> <p>In addition, the following features are eligible:</p> <ul style="list-style-type: none"> <li>• <u>Automatic Route Selection (ARS)</u></li> <li>• <u>E911 Reader Board</u></li> <li>• <u>Voice Compression Module</u></li> <li>• <u>Voice Interface Card</u></li> </ul> <p>One <u>switchboard/attendant console</u> necessary for operation of each eligible PBX or eligible Centrex telephone service is eligible.</p> <p>An intercom system that is an integral component of a PBX or other eligible product can be included in the cost of the eligible component.</p> |

|   |   |
|---|---|
| Channel Service Unit /Data Service Unit (CSU/DSU) ( <u>Interfaces</u> , <u>Gateways</u> , <u>Antennas</u> ) | A CSU/DSU is a device that terminates a digital channel at a customer's premises. A CSU/DSU often serves as a demarcation between a local network and wide area network facilities.                                     |
| Circuit Cards ( <u>Circuit Cards/ Components</u> )  | Circuit cards provide microprocessors, transistors, and other components on a circuit board. Circuit cards often are designed to fit into a slot of a larger component, such as a telephone PBX, router, or computer.   |
| Client Access Licenses ( <u>Software</u> )  | A Client Access License is a software licensing approach used by some vendors that provides authorization to access a software product.   |
| CODEC / Video Encoder ( <u>Video Components</u> )   | A CODEC (coder/decoder), also known as a video encoder, is a device comprising an encoder and decoder in the same equipment. The CODEC produces a coded output and compresses and decompresses audio and video signals. |
| Conduit and Raceway ( <u>Cabling/ Connectors</u> )  | Conduit and raceway are metal or plastic pipe or channels used to protect cable.  |
| Conferencing Services ( <u>Other Eligible Telecommunications Services</u> )                                 | Conferencing Services provide a means for multiple users to participate in group discussions via telephone circuits or video facilities.  |
| Connectors ( <u>Cabling/ Connectors</u> )   | Connectors are devices that connect wires or fibers.  |
| Consumable Components ( <u>Cabling/ Connectors</u> )  | Consumables consist of miscellaneous components that are depleted with use, such as tape, splicing materials, labels, and wire wrap.  |
| Contingency Fee ( <u>Miscellaneous Fees and Charges</u> )   | A contingency fee is a specific dollar allowance for possible unforeseeable elements that may occur within the scope of a project.  |
| Copper-to-fiber (TX-to-FX) Converter ( <u>Interfaces</u> , <u>Gateways</u> , <u>Antennas</u> )              | A Copper-to-fiber converter, also known as a TX-to-FX converter, is a device that converts a copper connection to a fiber optic connection.   |
| Couplers ( <u>Cabling/ Connectors</u> )   | Couplers are passive devices that accepts one input broadband signal and replicate it onto another or multiple outputs.   |

|                        |  |
|------------------------|--|
| <p>Internet Access</p> | <p>Basic conduit access to the Internet is eligible regardless of technology platform. Access technologies include but are not limited to:</p> <ul style="list-style-type: none"> <li>• <u>Broadband over Power Lines (BPL)</u>-enabled Internet access service</li> <li>• <u>Cable Modem</u></li> <li>• <u>Digital Subscriber Line (DSL)</u></li> <li>• Telephone dial-up</li> <li>• <u>T-1</u> lines</li> <li>• Wireless</li> </ul> <p>Eligible Internet access may include features typically provided for adequate functionality and performance when provided as a standard component of a vendor's Internet access service. Such features may include <u>Domain Name Service (DNS)</u>, <u>Dynamic Host Configuration Protocol (DHCP)</u>, and <u>firewall</u> protection against unauthorized access.</p> <p>A wireless Internet access service is eligible under the same provisions as wired access to the Internet.</p> <p>Wide Area Network facilities can be eligible for funding as a part of Internet access if the service is limited to basic conduit access to the Internet and the offering is the most cost-effective means of accessing the Internet.</p> <p><u>GSP (Global Service Provider) fees</u> necessary to obtain Internet access are eligible.</p> <p>A wireless Internet access service designed for portable electronic devices is eligible to be funded if used for educational purposes.</p> |
| <p>Web Hosting</p>     | <p>A <u>web hosting</u> service that provides a means for a school or library to display content on the Internet is eligible.</p> <p><u>Domain name registration</u> necessary for the creation of a school or library website is eligible for discount.</p> <p>Funding is limited strictly to the following eligible web hosting functions:</p> <ul style="list-style-type: none"> <li>○ Provision of web site traffic (bandwidth)</li> <li>○ Provision of disk space for storing applicant provided content</li> <li>○ Provision of File Transfer Protocol (FTP) transfer or a Web interface to upload files</li> </ul> <p>Some web hosting services may include ineligible features, such as software applications, end-user file storage and content editing features. Funding will not be provided for such features. Any <u>cost allocation</u> must be based on tangible information that provides a reasonable and appropriate delineation between the eligible and ineligible components.</p>   |



|   |  |
|---|--|
| Voice/Fax Network Module<br>( <u>Interfaces</u> ,<br><u>Gateways</u> ,<br><u>Antennas</u> ) | A Voice/Fax module is an access product that enables the transmission of multiprotocol data--voice, fax and LAN--over telecommunications services.   |
| Voice/Video over IP (VoIP) Components<br>( <u>Data Distribution</u> )                       | Voice/video over IP (VoIP) components refer to equipment that utilizes the TCP/IP suite of protocols to provide voice and/or video communications.   |
| Web Casting<br>( <u>Ineligible Internet Access Services</u> )                               | Web Casting is a service provided over the Internet that delivers news or other content via web browser software or to an E-mail address. A user accesses a Web Casting site and chooses what news or content he/she wants to be informed about. Information content is then periodically delivered by the Web Casting supplier. |
| Web Hosting<br>( <u>Web Hosting</u> )   | Web Hosting provides a school or library website at an external location outside of the school's or library's premises. A website is a location (such as www.schoolname.org) for World Wide Web content made available to those accessing the site.  |
| Web Server<br>( <u>Servers</u> )  | A web server is a computer server used to provide information to Internet users and can also be used to provide web-based software applications and other web-based functions.   |
| Web Site Creation Fee<br>( <u>Ineligible Internet Access Services</u> )                     | A web site creation fee is a separate charge for creating a website.   |
| Wide Area Networks (WANs)<br>( <u>Digital Transmission Services</u> )                       | A wide area network is a voice, data, and/or video network that provides connections from within an eligible school or library to other locations beyond the school or library.  |
| Wire Managers<br>( <u>Cabling/Connectors</u> )  | Wire managers are wire restraints to house or arrange wiring and cabling. They can be aluminum or plastic and may be rack-mountable.   |
| Wireless Local Area Network<br>( <u>Data Distribution</u> )                                 | A Wireless Local Area Network provides the functionality of a local area network using wireless components rather than cabling.  |
| Wireless PBX Adjunct<br>( <u>Telephone Components</u> )                                     | A Wireless PBX Adjunct functions in conjunction with a Private Branch Exchange to enable use of cordless telephones on an organization's premises.   |
| Wireless Telephone Services<br>( <u>Telephone Service</u> )                                 | Wireless telephone services provide connection to the public switched telephone network similar to traditional phone service, but utilize portable electronic devices and radio frequencies rather than hard-wired handsets.   |



TRANSMISSION VERIFICATION REPORT

TIME : 05/14/2009 11:50  
NAME :  
FAX :  
TEL :  
SER.# : BROF4J643635

|              |                 |
|--------------|-----------------|
| DATE, TIME   | 05/14 11:49     |
| FAX NO./NAME | 19735996521     |
| DURATION     | 00:01:30        |
| PAGE(S)      | 05              |
| RESULT       | OK              |
| MODE         | STANDARD<br>ECM |

## FAX COVER SHEET

**To:** Chiamaka Ofoma – PIA/Associate Manager  
**Fax:** 1.973.599.6521  
**From:** Linda Alexander  
**Date:** May 14, 2009  
**Pages:** 5 (Including Cover)  
**RE:** Spring Cove School District – Application #671495, 671757

### SLD Request

FRN 1832820 is a request for Internet Access Service, but the documentation does not indicate the bandwidth of the service being provided. Please indicate the bandwidth of the Internet Access that is being provided.

### Response

FRN 1832820 covers internet access through cellular telephone networks. The speed will vary depending on what network is available in a particular location. The speed varies between 144Kbps and 2.45Mbps which is equivalent to the speed between DS0 and DS1 line.

### SLD Request

The rules of this program require that a signed contract with the service provider be in place at the time of the submission of the FCC Form 471 certification.



Schools and Libraries Division

May 05, 2009

LINDA ALEXANDER  
SPRING COVE SCHOOL DISTRICT

Telephone: (216) 6820169  
Application Number 671495,671757

**Response Due Date: 5/20/2009**

You were recently sent a written request for additional information needed by the Program Integrity Assurance (PIA) team to review your Funding Year 2009 Form 471 application to ensure that it is in compliance with the rules of the Universal Service program. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

*CIA  
Virginia - US*

**I**

**FRN 1832820** is a request for **Internet Access Service**, but the documentation does not indicate the bandwidth of the service being provided. Please indicate the **bandwidth** of the Internet Access that is being provided.

**II**

The rules of this program require that a signed contract with the service provider be in place at the time of the submission of the FCC Form 471 certification.

**Please provide a copy of the full contract, signed by the applicant and dated, to verify the correct Contract Award Date ("CAD").** Failure to provide a signed and dated contract may be cause for denial.

If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files.

For further guidance regarding CADs, please refer to the Schools and Libraries

Division website at: Step 4: Select a Service Provider at [www.usac.org/sl/applicants/step04/default.aspx](http://www.usac.org/sl/applicants/step04/default.aspx).

HB 3  
USAC Form 471 #

In addition to providing the contract, is the **Form 470 #116540000703881** on your **Form 471 application # 671495** the establishing Form 470 for services associated with Funding Request Number(s) **(FRN) 1832856**? **Yes or No.**

**If No, please provide the following information:**

- Please provide the 15-digit Form 470 Number that established the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

**If Yes, please provide the following information:**

- You indicated the Contract Award Date (CAD) for service is **2/6/2008** for your FCC Form(s) 471 Block 5 Item 18, associated with Funding Request Number(s) **(FRN) 1832856**. Was the incorrect date entered at the time the FCC Form 471 was completed? **Yes or No.**

HB 3  
USAC Form 471  
CAD

**If Yes, please provide the following information:**

- USAC with the correct Contract Award Date.
- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.

**CERTIFICATION**

I certify that I am authorized to make the representations set forth below on behalf of **SPRING COVE SCHOOL DISTRICT** the entity represented on this letter, and am the most knowledgeable person with regard to the information set forth herein. I certify that the contract referenced for Funding Request Number(s) **(FRNs) 1832856**, meets my state or local procurement regulations or rules. -----: the Contract Award Date (CAD) is **<mm/dd/yyyy>** as reflected on the supporting documentation for this contract.> I acknowledge that false statements 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

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False Claims Act. 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 declare under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_[city], \_\_\_\_\_[state].

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Employer \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**III**

For **FRN 1833471- WEBHOSTING for \$9223 ANNUALLY**, the documentation provided in the Item 21 Attachments is not sufficient to determine the eligibility of your request. The documentation does not sufficiently describe the products and services being requested, so we cannot determine the eligibility of your request.

**Please provide more detailed documentation, such as the vendor quotes/bills that identifies the actual products and services being delivered.** If the bill you receive does not identify the specific products and services being delivered, you will need to contact your vendor and request such documentation.

*See attached*

Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request. If you are unable to justify the charges requested on your Form 471, the request may be reduced or denied.

**IV**

Based on the documentation you have provided, FRN **1833471** includes web hosting. Intranet web hosting and/or password-protected pages are now eligible. Does your request include charges for intranet web hosting and/or password-protected pages?

Yes  No

If No, no further information is needed at this time.

If Yes and you classified these charges as ineligible items or excluded the costs from the FRN, you may provide a revised cost allocation. Costs associated with these charges are eligible for FY 2009 and going forward. If associated costs have been removed, please submit documentation to include the charges in your funding request and the rationale you used to calculate the intranet amount.

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It is important that we receive all of the information requested so the PIA team can complete its review. Please fax or email the requested information to my attention. If you have any questions, do not understand what we are requesting, or feel that you have already responded, please feel free to contact me.

**If we do not receive the requested information by 5/20/2009, your application(s) will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.**

Should you wish to cancel your Form 471 application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

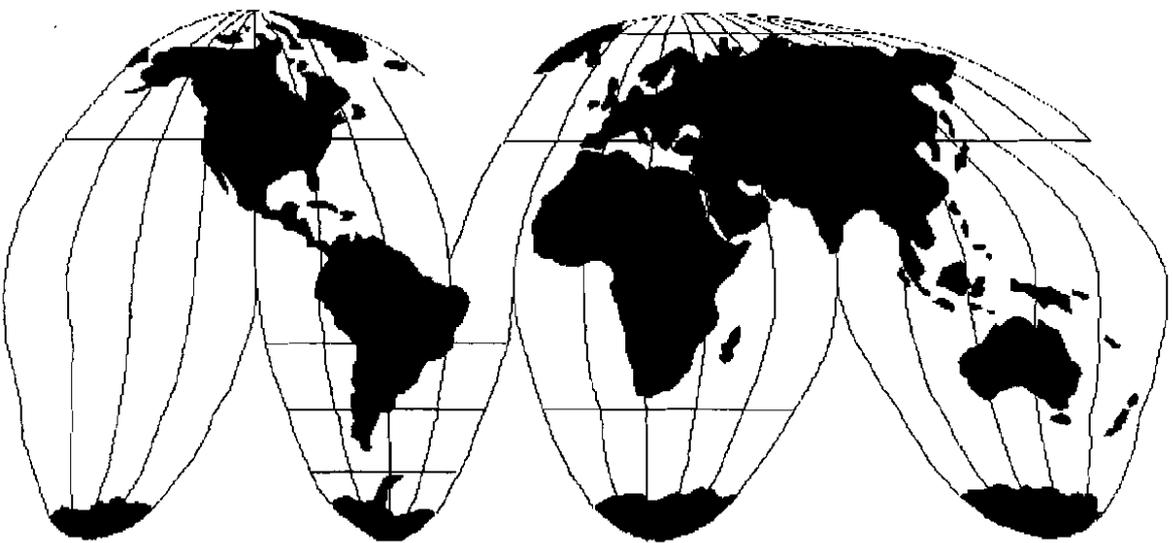
A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Chiamaka Ofoma  
Schools & Libraries  
Phone # 973-581-5135  
Fax # 973-599-6521  
E-Mail: [cofoma@sl.universalservice.org](mailto:cofoma@sl.universalservice.org)

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*To:* LINDA ALEXANDER                      *From:* Ofoma, Chiamaka  
*Fax Number:* 1-216-5143337                *Subject:* ERate App# 671495  
*Date:* May 14, 2009                        *Pages:* 5  
*Time:* 7:33:43 AM

*Note:*  
Please see the attached. 671495,671575

TRANSMISSION VERIFICATION REPORT

TIME : 05/15/2009 12:21  
NAME :  
FAX :  
TEL :  
SER.# : BROF4J643635

|              |                 |
|--------------|-----------------|
| DATE, TIME   | 05/15 12:21     |
| FAX NO./NAME | 19735996521     |
| DURATION     | 00:00:21        |
| PAGE(S)      | 01              |
| RESULT       | OK              |
| MODE         | STANDARD<br>ECM |

**FAX COVER SHEET**

**To:** Chiamaka Ofoma – PIA/Associate Manager  
**Fax:** 1.973.599.6521  
**From:** Linda Alexander  
**Date:** May 15, 2009  
**Pages:** 1 (Including Cover)  
**RE:** Spring Cove School District - Application #671757

**SLD REQUEST**

Based on the documentation that you have provided, the entire FRN **1833471** is requesting an ineligible product/service and will be denied. The ineligible product/service is: **School Net**. For additional guidance on determining eligible services, please refer to the USAC website at: <http://www.usac.org/sl/applicants/step06/>.

**Please confirm if you agree with the denial. Yes No.**

If the entire FRN should not be denied and you have alternative information, please provide the supporting documentation.

**RESPONSE:**

**No, we do not agree with the denial**

## FAX COVER SHEET

To: Chiamaka Ofoma – PIA/Associate Manager  
Fax: 1.973.599.6521  
From: Linda Alexander  
Date: May 15, 2009  
Pages: 1 (Including Cover)  
RE: Spring Cove School District - Application #671757

### SLD REQUEST

Based on the documentation that you have provided, the entire FRN 1833471 is requesting an ineligible product/service and will be denied. The ineligible product/service is: **School Net**. For additional guidance on determining eligible services, please refer to the USAC website at: <http://www.usac.org/sl/applicants/step06/>.

Please confirm if you agree with the denial  Yes  No.

If the entire FRN should not be denied and you have alternative information, please provide the supporting documentation.

### RESPONSE:

No, we do not agree with the denial

Any additional questions, please do not hesitate to contact me.

Linda Alexander, email: [lalexander@epicinc.org](mailto:lalexander@epicinc.org)  
Tel: 216.682.0169 Fax: 216.514.3337

The information contained in this facsimile message may be confidential and /or legally privileged information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that copying, dissemination, or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile.



**Schools and Libraries Division**

May 15, 2009

LINDA ALEXANDER  
SPRING COVE SCHOOL DISTRICT  
Telephone:  
Application Number

(216) 6820169  
671757

**Response Due Date: 5/30/2009**

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2009 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2009 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below

Based on the documentation that you have provided, the entire FRN **1833471** is requesting an ineligible product/service and will be denied. The ineligible product/service is: **School Net**. For additional guidance on determining eligible services, please refer to the USAC website at: <http://www.usac.org/sl/applicants/step06/>.

**Please confirm if you agree with the denial  Yes  No.**

If the entire FRN should not be denied and you have alternative information, please provide the supporting documentation.

If you fail to respond to this email within 15 days, we will perform the action(s) listed above.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s)

Q3

and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Chiamaka Ofoma  
Schools & Libraries  
Phone # 973-581-5135  
Fax # 973-599-6521  
E-Mail: cofoma@sl universalservice.org