



ORCHARD VIEW SCHOOLS

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Patricia Walstra, Superintendent
District Administration Office
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Orchard View Early Elementary
231-760-1850
Orchard View Cardinal Elementary
231-760-1700
Orchard View Middle School
231-760-1500
Orchard View High School
231-760-1400
Orchard View Bridges Program
(Alternative Education)
231-760-1692
Orchard View Head Start
231-760-1787
Orchard View District Administration
231-760-1300
Orchard View Community Education
231-760-1350

"Request for Review"

July 27, 2009

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

CC Docket No. 02-6

Applicant Name: Orchard View Schools
Form 471 Application Number: 604086
Billed Entity Number: 131550
SPIN: 143000893 and 143000677
FRN: 1664869, 1664876 and 1664880
Funding Year: 2008

This is a formal Request for Review on our Funding Year 2008 Form 471 FCDL (*Yr11 Orchard View FCDL 4.09.pdf* attached) dated April 7, 2009 for "Bidding Violation" that stated the following: "*Documentation in USAC files demonstrates that the applicant discouraged potential bidders from providing bids. Therefore, the applicant has violated competitive bidding rules and requirement.*" We are also appealing the USAC's Decision on Appeal dated May 29, 2009 of this same FCDL FRNs as "Denied" (*Yr11 Orchard View SLD Appeal denial 5.09.pdf* attached).

We would ask that you review these decisions. In our opinion, the criteria used to reach the decision to deny funding was based on a small portion of the entire bidding process and was taken out of context.

We have enclosed several documents for your review. Please see the enclosed document titled: *Bruce email response to Starr 12.08.doc*. In it, our consultant, Starr Garter states to Ms Jane Johnson of Dobson Cellular, "*This client [Orchard View Schools] is not actively seeking bids on their cellular service only to comply with the program.*"

In the consultant's opinion, and in our opinion, the sentence did not mean that the school district was not seeking bids "only to comply with the program" but that we were seeking bids as to comply with the USF program.

As a follow up, the potential vendor's email was forwarded to the school's technology director, Bruce Haase, to let him know that the vendor may be contacting them. In that same email, the vendor was encouraged to contact the district directly and also asked to contact the consultant for any added information or questions the potential vendor might have.

Again, in our opinion, the above action, contrary to showing discouragement, shows that we fully expected the potential vendor to contact us. They never did! In fact, we did not receive any bids for the

cellular service but did consider the services of the two vendors that we already had (see enclosed, Yr11 2008 131550 Bid Log #1A.pdf).

I want to emphasize that if we had received a bid from Ms. Johnson's company, we could have considered that bid along with the other two vendors. It is our opinion that since we evaluated and considered the two vendors we already had shows we were complying with both the "letter and the spirit" of the competitive bidding rules and requirement.

Not to repeat ourselves, we have included for your review the following attachments that we had provided to the USAC:

Haase1.pdf (letter provided to Special Compliance Reviewer from our Tech. Director)

Haase-sherri.pdf (memo from admin. assistant regarding bids)

Yr11 Orchard View Letter 12.5.08.doc (letter provided to Special Compliance Reviewer from our consultant)

Jane Johnson email 12.08.doc (email from Jane verifying that she did not bid)

I need a favor, Tim 12.05.doc (email from AT&T vendor to consultant regarding vendor relations)

Drew Ray email.12.08.doc (email from another vendor to consultant regarding vendor relations)

Drew Ray email 2 12.08.doc (email from another vendor to consultant regarding vendor relations)

Fwd vendor email sample 12.08.doc (consultant's sample email forwarded to another client regarding a vendor contact)

Bruce email response to Starr 12.08.doc (email showing consultant's forwarded vendor information to client)

Yr11 Orchard View Appeal Letter 5.09.pdf (letter provided to USAC for appeal)

We are asking that you review this information and grant this appeal to approve our Yr 11 2008 471 Applications #604086, FRN 1664869, 1664876 and 1664880 for funding.

If you have any questions regarding this request, please refer them to Bruce Haase, Director of Technology, Orchard View Schools, 35 S. Sheridan, Muskegon, MI 49442; phone 231-760-1591; fax 231-760-1322; and email bruce.haase@orchardview.org.

Thank you for your consideration of this request.

Sincerely,



Patricia Walstra
Superintendent, Orchard View Schools

Attachment folder: