

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

In the Matter of

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SAN BERNARDINO CITY UNIFIED SCHOOL

DISTRICT, SAN BERNARDINO, CALIFORNIA)

File No. SLD 143740

Schools and Libraries Universal Service
Support Mechanism

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CC Docket No. 02-6
CC Docket No. 96-45

**REQUEST FOR REVIEW OF THE DECISION AND WAIVER OF THE
DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR BY
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT,
SAN BERNARDINO, CALIFORNIA**

I. INTRODUCTION

1. The San Bernardino City Unified School District, (the “District”) appeals the decision of the Universal Service Administrative Company (“USAC”) concerning the Schools and Libraries Universal Service Support Mechanism (also known as the E-rate program) to deny a request to remove entities from Block 4 of Form 471 application number 536215 (FRN 1483605 and 1483539), to wit, there were funds disbursed by the program related to one of the funding requests included on the application. The District believes that special circumstances exist to justify a waiver of the Commission’s rules, and, accordingly files this Request for Review and Waiver of the administrative rules applied to this case.
2. The District requests that the Commission review the decision of USAC denying the request for removal of entities due to the timing of the initial request(s), conflicting guidance from USAC regarding the ability to remove the entities, lack of timely action by USAC regarding the request(s) (and the consequences therein), lack of communication regarding the status of the request(s) and lack of formal notification of the disposition of the request(s).

II. BACKGROUND

The Commission instituted the Two-in-Five Rule for Internal Connections effective for FY 2005. The District filed multiple applications for E-rate support in FY 2006 across all categories of service except for Internet Access. In light of the Commission’s rule regarding Two-in-Five for Internal Connections, the District had implemented a structured plan to allow for a District wide upgrade in three phases. FY2006 was phase

one of the District's plan and the first group of schools was to be only the secondary schools; a total of 14 sites with a weighted discount of 89%. The District also requested discounts on Priority One services and Basic Maintenance of Internal Connections (BMIC) on a District wide basis using all sites to determine the weighted discount of 86%. It was discovered some months after the applications were filed, that the wrong Block 4 worksheet was indicated on the Block 5 funding requests for Siemens' Internal Connections application (Form 471 # 536215 FRN(s) 1483605 and 1483539). The initial request for relief and correction of the ministerial error was submitted in August, 2007 (case # 21-628876)¹. There was no action taken by USAC on the initial request, so the District followed up on November 17, 2007 and submitted a duplicate request with a new case number (case # 21-660241)². The District contends that part of the reason for the lack of action by USAC on the request stemmed from the following set of circumstances. During initial implementation of the rule, the guidance from USAC regarding the ability to remove sites from a Block 4 worksheet and application in order to regain a year of eligibility under Two-in-Five was conflicting, at best³. The original March 2, 2007 Schools and Libraries News Brief indicated clearly that

*"You now have the opportunity to remove entities from FY2005 and FY2006 Block 4 worksheets. You can cancel entire Funding Request Numbers (FRNs) or you can **break apart FRNs and cancel only that part of the funding request associated with the entities that you are removing.** In both cases, if funds have been disbursed, you must return the funds associated with the entities that you are asking to remove".*

There was subsequent guidance issued in a Schools and Libraries New Brief on

¹ See attached files SLD Inquiry 21-628876 first and SBCUSD Y9 2in5 removal SIEMENS 21-628876 first

² See attached files SLD Inquiry 21-660421 second and SBCUSD Y9 2in5 removal SIEMENS 21-660421 second

³ See attached file March 2, 2007 News Brief (original)

April 20, 2007 offering conflicting information.

“However, if USAC has disbursed funds on the Funding Request Number (FRN) that features that worksheet, the entities listed in the worksheet cannot regain a year.”⁴

The April 20 Schools and Libraries News Brief went on to indicate that

“The March 2, 2007 News Brief has been corrected to reflect this guidance.”

We have attached the ‘corrected’ version of the March 2, 2007 Schools and Libraries News Brief to demonstrate that the same guidance regarding the ability to remove entities is/was still part of the written guidance from USAC.⁵ All of the guidance from USAC stated that to remove entities and “re-gain” a year of eligibility for those entities, a reduction in the associated funding request would be required. The District did not submit a reduction calculation because the reality of the situation was that the entities were not included as part of the scope of work on the Block 5 funding requests. The situation was that the wrong Block 4 bulk upload worksheet was pulled into the form 471 during construction of the application. There were two different applications with the service provider: one for Internal Connections (536215) and one for Basic Maintenance of Internal Connections (536355). The BMIC application was for District wide maintenance and used all of the sites in the District for a weighted discount of only 86% as opposed to the 89% discount requested on all other FY2006 Internal Connections applications for San Bernardino City Unified School District. The 89% applications were coordinated specifically for 14 sites in the District and were for phase one (year one) of the three year plan for a District wide network upgrade. The schedule was developed as follows:

⁴ See attached file [April 20 2007 USAC Newsletter - Two-in-Five guidance](#)

⁵ See attached file [March 2, 2007 News Brief \(updated\)](#)

E-Rate 9 (FY 2006) – All secondary schools
E-Rate 10 (FY 2007) – Elementary schools A-L
E-Rate 11 (FY 2008) – Elementary schools M-Z

The District contends that had USAC acted upon the original request to remove Block 4 entities in August, 2007 there would be no need for this appeal since there were no disbursements made on 536215 FRN 1483605 until November 1, 2007.⁶

After the submission in August, 2007 and subsequent follow up submission in November, 2007, there was an additional follow up in February, 2008 requesting a status on the request(s) (6 months after the first submission and 3 months after the second submission). At this time, USAC's Client Services Bureau was only able to state that the request was "in process."

The first communication from USAC regarding action on its part to process the request was on May 12, 2008 (9 months after the first request to remove entities and 5 ½ months after the first disbursement).⁷ At the time, the reviewer stated that he wished to use a straight line cost allocation to reduce Funding Request Number 1483539 and requested that we either agree or disagree with his calculation. We did not agree due to the reasons stated above and it was at this time we noted that his communication had no mention of the other FRN 1483605 (full text of the discussion is included as part of attachment 7). The entire exchange of information was quite testing because The District knew that the guidance that had been issued allowed for a removal of entities and due to the delays caused by USAC's lack of timely action, agreeing to an incorrect reduction could cause a ripple effect on FRN (1483605).

⁶ See attached file SBCUSD 2007 4th Qtr Disbursement Report

⁷ See attached file May 2008 communication 536215 San Bernardino removal of entities Y9

Upon receipt of the explanation provided to the reviewer, The District received a second communication stating two important points. First, the District's discussion about the inaccuracy of the straight line cost allocation was disregarded and second, it was stated specifically at this time: "*We did not provide a response for **FRN 1483605** because funds have already been disbursed. You will be receiving a separate correspondence from USAC regarding this FRN.*"⁸ To date, the District has received no formal communication from USAC regarding the disposition of the request to remove entities from the Block 4 worksheet associated with FRN 1483605. The District did wait for some communication of a denial of our request since an appeal clock starts on the date of written communication from USAC; hence, the District is filing a Request for Waiver since ultimately, the District only received informal written (email) communication from the Ombudsman's office on July 13, 2009.⁹ Ultimately, in the two years since the original requests to remove entities from Block 4 of application 536215 (1483605 and 1483539) the District has taken several actions in order to remain compliant with all of the other rules associated with management of the approved funds. The District canceled FRN 1483539 in its entirety via the Form 500 because it was decided that the scope of work associated with that funding request was not needed in the first phase of the three phase implementation.¹⁰ Since the scope of work associated with FRN 1483605 was specifically for 14 sites only, there was only a total of \$290,256.62 disbursed and a Form 500 was filed to reduce the FRN to that amount since the work on the 2006/2007 project was complete.¹¹ The total reduction of the FRN was \$2,082,413.40.

⁸ See attached file SBCUSD USAC Communication 2nd request 1483539 only

⁹ See attached file USAC informal written disposition July 2009

¹⁰ See attached file SBCUSD500Y9 CDWG-SIEMS 1483539

¹¹ See attached file SBCUSD500Y9SIEM-CDWG

DECISIONS BY THE COMMISSION ON APPEALS

1. As noted in the decision published in the *Bishop Perry Middle School, New Orleans, LA* appeal, SLD # 487170, the “Commission may waive any provision of its rules on its own motion and for good cause shown.” (47 C.F.R. §1.3.) Additionally, 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*).

DISCUSSION

1. The District believes that under the circumstances described above, and pursuant to the applicable rulings by the FCC, there is reason for the Commission to waive the rule associated with removal of entities for Two-in-Five compliance on an approved funding request with disbursements. Due to the lack of timely action on the part of USAC regarding the initial request, the conflicting guidance regarding the process by which entities could be removed and the obvious fact (evidenced by the ultimate request for cancellation or reduction) that there was no work performed at any of the entities listed in error on Block 4 of application 536215, the District believes that the Request for Waiver should be granted.¹² Since the District has developed and is implementing a comprehensive and responsible plan to achieve their network goals and in turn, to further advance the educational opportunities for the students that are served, the District believes that denial of this request does not “further the purposes of the statutory goal

¹² See attached file [Timeline of Events SBCUSD 536215](#)

mandated by Congress of preserving and advancing universal service among schools and libraries.”

VI. CONCLUSION

For the reasons discussed herein, the District respectfully requests the Commission grant the Request for Review and Waiver and Remand the case to USAC for further consideration.

All further contact should be directed to Kimberly Friends at kfriends@csmcentral.com.

Attach: SBCityMultiYearATO

AUTHORITY TO COMMUNICATE – Letter of Agency (LOA)

This ATC/LOA (Agreement) entered into on this 1st day of May 2008, 2008 by and between California School Management Group, Inc., a California Corporation ("Consultant") and **San Bernardino City Unified School District**, a school district under the laws of the State of California ("District"). Consultant's authority to communicate shall remain in effect during the term of the "E-Rate Services" consulting contract.

Consultant and District determines it is necessary to prepare documentation, forms and applications regarding the Federal Communications Commission ("FCC") E-Rate program. District grants to Consultant the authority to investigate and communicate, in any form, with any telecommunication company, service provider or the Schools and Libraries Division with regard to the E-Rate Program on District's behalf. Consultant acknowledges that nothing contained herein shall constitute a principal and agent relationship or be construed to evidence the intention of the District to constitute such. Each party to the agreement represents and warrants that the officer executing this Agreement has been duly authorized.

The term of this assignment is from the date of final execution (above) until all issues with E-Rate Years 2003, 2004, 2005, 2006, 2007, 2008 2009 and 2010 are resolved or June 30, 2013. When executed, this agreement is authorization for all employees of Consultant to communicate on behalf of the District in performance of the duties outlined herein. The following is a list of California School Management Group, Inc (CSM) employees who are authorized to speak on behalf of the aforementioned client:

Kimberly Friends
Scott Harken
Jennifer Jimenez

California School Management Group, Inc.

Name: *Kimberly Friends*

Print Name: Kimberly M. Friends

Title: Vice-President, E-Rate Services

San Bernardino City Unified School District

Name: *Arturo Delgado*

Print Name: ARTURO DELGADO

Title: SUPERINTENDENT

Kim Friends

From: Kimberly Friends [kfriends@csmgconsulting.com]
Sent: Thursday, August 23, 2007 3:06 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 21-628876 Received
Attachments: SBCUSD Y9 2in5 removal SIEMENS.doc

~Kim

CONFIDENTIALITY: This communication and any documents, files, or previous e-mail messages attached to it constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient(s). The unlawful interception, use or disclosure of such information is **strictly prohibited** under 18 USCA 2511 and any applicable laws. **If you are not the intended recipient of this communication, you are hereby notified to destroy all copies of this e-mail message and to contact the sender.**

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Thursday, August 23, 2007 3:04 PM
To: kfriends@csmgconsulting.com
Subject: SLD Inquiry #: 21-628876 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 21-628876.

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]=Kimberly [LastName]=Friends [JobTitle]=Vice-President
[EmailAddress]=kfriends@csmgconsulting.com [WorkPhone]=9099447798 [FaxPhone]=9094817410
[PreviousCaseNumber]=0 [FormType]=2-in-5 Rule for Internal Conn [Owner]=CLIENTOPS
[DateSubmitted]=8/23/2007 6:03:14 PM [AttachmentFlag]=Y[BenOrSpinNumber]=16034092
[FundingYear]=FY9 (07/01/2006 - 06/30/2007) [Question2]=please see attached*

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.

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The following topics are currently available:

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

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

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SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
PLEASE REMOVE THE FOLLOWING ENTITIES FROM BLOCK 4 OF 471
APPLICATION # 536215 FOR BEN 143740
FRN 1483539
FRN 1483605
CASE # 21-628876

ALLRED CENTER	16034092
ALTERNATIVE LEARNING CENTER	224636
ANDERSON SCHOOL	105067
ANTON ELEMENTARY	16036341
ARROWHEAD ELEMENTARY SCHOOL	105006
BARTON ELEMENTARY SCHOOL	105011
BELVEDERE ELEMENTARY SCHOOL	104836
BONNIE OEHL ELEMENTARY SCHOOL	104839
BRADLEY ELEMENTARY SCHOOL	105016
BUILDING SERVICES	16022705
BURBANK ELEMENTARY SCHOOL	105054
CAJON HIGH SCHOOL	105038
CARMACK SCHOOL	105040
COLE ELEMENTARY SCHOOL	104844
CYPRESS ELEMENTARY SCHOOL	104847
DAVIDSON ELEMENTARY SCHOOL	105022
DEL ROSA ELEMENTARY SCHOOL	105008
EMMERTON ELEMENTARY SCHOOL	105021
FAIRFAX ELEMENTARY SCHOOL	105019
FINE ARTS/MUSIC LIBRARY	16022707
HIGHLAND-PACIFIC ELEM SCHOOL	104842
HILLSIDE ELEMENTARY SCHOOL	105039
HUNT ELEMENTARY SCHOOL	105014
INGHRAM ELEMENTARY SCHOOL	105069
JUANITA BLAKELY JONES ELEMENTARY SCHOOL	224676
KENDALL ELEMENTARY SCHOOL	105036
KIMBARK ELEMENTARY SCHOOL	105033
LANKERSHIM ELEMENTARY SCHOOL	104846
LINCOLN ELEMENTARY SCHOOL	105031
LYTLE CREEK ELEMENTARY SCHOOL	105058
MANULE A. SALINAS ELEMENTARY SCHOOL	16034088

MARSHALL ELEMENTARY SCHOOL	105024
MIDDLE COLLEGE HIGH SCHOOL	231998
MONTEREY ELEMENTARY SCHOOL	105057
MOUNT VERNON ELEMENTARY SCHOOL	105076
MUSCOY ELEMENTARY SCHOOL	105050
NEWMARK ELEMENTARY SCHOOL	105042
NORTH PARK ELEMENTARY SCHOOL	105035
NORTH VERDEMONT ELEM SCHOOL	105034
PALM AVENUE ELEM	105047
PARKSIDE ELEMENTARY SCHOOL	105003
RAMONA ALESSANDRO ELEM SCHOOL	105078
RILEY ELEMENTARY SCHOOL	105032
RIO VISTA ELEMENTARY SCHOOL	105072
ROBERTS ELEMENTARY SCHOOL	105064
ROOSEVELT ELEMENTARY SCHOOL	105074
SAN GORGONIO HIGH SCHOOL	105018
SBCUSD DISTRICT OFFICE	16022701
SCHOOL POLICE	16022702
SMART BUILDING	16022703
THOMPSON ELEMENTARY SCHOOL	104848
URBITA ELEMENTARY SCHOOL	105062
VERMONT ELEMENTARY SCHOOL	105052
WAREHOUSE/SUPPLY BUILDING	16022706
WARM SPRINGS ELEMENTARY SCHOOL	105065
WHAA BUILDING	16022704
WILSON ELEMENTARY SCHOOL	105013
YVONNE HARMON DEVELOPMENT SCHOOL	105041
YWCA ACADEMY	224563

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From: Kim Friends [kfriends@csmgconsulting.com]
Sent: Saturday, November 17, 2007 7:03 AM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 21-660421 Received
Attachments: SBCUSD Y9 2in5 removal SIEMENS.doc

~Kim

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Saturday, November 17, 2007 7:01 AM
To: kfriends@csmgconsulting.com
Subject: SLD Inquiry #: 21-660421 Received

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*[FirstName]=Kimberly [LastName]=Friends [JobTitle]=Vice-President
[EmailAddress]=kfriends@csmgconsulting.com [WorkPhone]=9099447798 [FaxPhone]=9094817410
[PreviousCaseNumber]=0 [FormType]=2-in-5 Rule for Internal Conn [Owner]=CLIENTOPS
[DateSubmitted]=11/17/2007 9:59:31 AM [AttachmentFlag]=Y[BenOrSpinNumber]=16034092
[FundingYear]=FY9 (07/01/2006 - 06/30/2007) [Question2]=Please see attachment for all other entities and
funding request specifics San Bernardino City Unified School District*

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WHAA BUILDING	16022704
WILSON ELEMENTARY SCHOOL	105013
YVONNE HARMON DEVELOPMENT SCHOOL	105041
YWCA ACADEMY	224563

Kim Friends

From: SL News Brief [SLNewsBrief@lists.universalservice.org]
Sent: Friday, March 02, 2007 12:04 PM
To: kfriends@csmgconsulting.com
Subject: USAC's Schools and Libraries News Brief for this week



Schools and Libraries News Brief

ORIGINAL VERSION

March 2, 2007

TIP OF THE WEEK: If you filed an online Form 471 for FY2007 before the close of the filing window but did not certify your form, your deadline to do so is March 12. Form 471 certifications postmarked after that date will be considered out-of-window.

Commitments for Funding Year 2006

USAC will release FY2006 Wave 46 FCDLs March 6. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 87% and above. As of March 2, FY2006 commitments total just under \$1.8 billion.

USAC will continue to issue weekly funding commitment waves for FY2006. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Removing Entities from a Block 4 Worksheet

The Two-in-Five Rule

The [Two-in-Five Rule](#) became effective starting in FY2005. Under this rule, an entity can receive funding for Internal Connections in only two out of any five funding years. For example, an entity that received a commitment for Internal Connections in both FY2005 and FY2006 is not eligible to receive a commitment for Internal Connections in FY2007. Commitments for Internal Connections for funding years before FY2005 are not subject to this rule.

An entity is considered to use a year under this rule if it is featured on a Form 471 Block 4 worksheet cited in Item 22 of a funded Internal Connections funding request.

Beginning with FY2007, applicants filing Internal Connections funding requests were alerted if one or more of the entities they included on a Block 4 worksheet had already used (or might use, if commitments were still pending) both of their two years out of five allotted for Internal Connections funding. Online filers received a warning message; paper filers received a telephone call during USAC's data entry of their forms.

Some applicants have asked if they can remove entities from an Internal Connections funding commitment for FY2005 or FY2006 so that those entities would be eligible to receive a commitment for FY2007. Here are some examples of situations where this might be to an applicant's advantage:

- The Internal Connections funding commitment for FY2006 was for a very small project, but a large project is planned for FY2007.
- A consortium that received Internal Connections commitments in FY2005 and FY2006 listed a particular entity on the Block 4 worksheets for both funding requests, but that entity would rather forgo the FY2006 funding because it has its own Internal Connections funding request for FY2007.
- A school district listed all of its individual schools on the Block 4 worksheets for FY2005 and FY2006 even though not all of those individual schools were actually sharing the Internal Connections requested and funded.

You now have the opportunity to remove entities from FY2005 and FY2006 Block 4 worksheets. You can cancel entire Funding Request Numbers (FRNs) or you can break apart FRNs and cancel only that part of the funding request associated with the entities that you are removing. In both cases, if funds have been disbursed, you must return the funds associated with the entities that you are asking to remove.

For example, say that you received funding for an FY2006 FRN for three servers, one each for Red School, Blue School, and Green Library. You now want to give back the commitment for Green Library so that the library can be eligible for Internal Connections funding in FY2007. Red School and Blue School can keep their share of the funding commitment, and you can return the commitment (along with any disbursed funds) associated with the server for Green Library. Remember that in order to get a year back for a given entity, you must return ALL of the Internal Connections funding associated with that entity in a given year.

If you are unsure of your status under the Two-in-Five Rule, you can use the [2-in-5 Tool](#) to find out which entities have used their years for Internal Connections and are therefore not eligible to receive Internal Connections funding in FY2007.

Deadline for submitting an entity removal request

Applicants must submit their requests to remove entities from previously funded FRNs by March 30, 2007 in order to avoid funding denials for FY2007 Internal Connections FRNs where at least 30% of the dollars are associated with entities that have already used their two years. If less than 30% of the dollars for an FRN are associated with entities that have already used two years, USAC will remove those entities from the funding request and recalculate the discount percentage and the dollars associated with the request.

Remember, however, that there are consequences for removing one or more entities from a funding request. For example:

- If the removal of entities reduces the discount level of an FRN below the funding threshold for Internal Connections for that funding year, the entire FRN will be denied.
- If you have already requested reimbursement using a Billed Entity Applicant Reimbursement (BEAR) Form 472 for the dollars associated with the entities being removed, you must return those funds (the discount share for the entities being removed) to USAC.
- If your service provider invoiced USAC using a Service Provider Invoice (SPI) Form 474, you must return those funds (the discount share for the entities being removed) to USAC. Your service provider can return the funds on your behalf, but you are responsible for making sure the funds are returned.

How to submit an entity removal request

To request the removal of one or more entities from Internal Connections FRNs, you must write a letter requesting the removal and submit it to USAC by the deadline. Be sure to

include the following information:

1. State that you are requesting the removal of one or more entities from FRNs. We recommend that you put the heading "Entity Removal Request" at the top of your letter.
2. Provide a list of the entities you want to remove. For each entity, include the entity name, entity number and funding year.
3. For each affected FRN, print a copy of your FCC Form 471 Block 4 worksheet and the associated Block 5 funding request. On the Block 4 worksheet, draw a line through each entity you want to remove. On the Block 5 funding request, indicate your revision to the dollars requested based on the share of the funding request for the entities being removed.
4. Mark up a copy of your Item 21 attachment and indicate the dollars that are associated with each of the entities being removed. If there are no dollars associated with an entity being removed, you must include an explanation of why this is so.
5. If any funds have been disbursed on the FRNs that you are adjusting, you must explain whether or not those dollars are associated with the entities being removed. If they are, USAC cannot remove entities from the FRN until you return the funds. Follow the guidance on [Returning Funds to USAC](#) to do this. (Note that this guidance requires you to include a letter of explanation for the funds being returned.) To speed processing, you should prepare (1) your submission to return funds and (2) your entity removal request at the same time:
 - o If you are returning funds to USAC, include a copy of your entity removal request letter with your check so that USAC will understand why you are returning the funds.
 - o On your entity removal request letter, be sure to note the date and amount of your check and the date it was mailed. This will help USAC match your returned funds with your entity removal request.
6. Carefully review the information that you submit. We will review your request and recalculate the discount rate for each affected FRN based on the revised list of entities in the associated Block 4 worksheet.
7. You can submit your entity removal request by fax, mail, or online.

Fax your request to:

(973) 599-6526

Or mail your request to:

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

Or submit an online request using the Submit A Question feature:

- o Go to [Submit A Question](#) and click "Continue."
- o From the Topic Inquiry menu, select "2-in-5 Rule for Internal Connections" and click "Go."
- o Select the subtopic "I want to return commitments for one or more entities so that I can get the year back." and click "Continue."
- o Complete the information requested on the following screen. Be sure to select "Yes" to notify USAC that would like to submit an attachment.
- o After you submit your information, USAC will send you a response email.
- o Gather your request and all supporting documentation and scan the documents into a single file (*.tif format preferred).
- o Follow the instructions in the response email from USAC to upload your documentation and email it to USAC.

8. USAC will review your request and may contact you with questions. After the review of your request is completed, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and the affected service provider(s) indicating whether your request has been approved, partially approved, or denied. If you disagree with USAC's decision, you may appeal to USAC or to the FCC. Information on how to appeal USAC's decision will be contained in your RFCDL.

Service Provider RALs for FY2007

Today USAC issued the first batch of service provider copies of Receipt Acknowledgment Letters (RALs) for FY2007. These letters contain information from Forms 471 that were filed within the window and certified in a timely manner.

The RAL Line Item Report attached to a service provider RAL includes information from all applicants that reported funding requests featuring the same Service Provider Identification Number (SPIN). On the service provider version of the RAL, the report is organized by Form 471 application number, with up to three Funding Request Numbers (FRNs) per page. Service providers that have signed up to receive [notifications by email](#) receive the data from the RAL Line Item Report in [a RAL data file](#) but do not get an electronic copy of the letter text.

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Applicants can also correct ministerial and clerical errors using their version of the RAL. If you notice an error on your RAL (e.g., an incorrect contract number or a funding request ten times smaller than what you would expect from reviewing your contract), you can alert the applicant to submit a RAL correction. Please act quickly, as the opportunity to correct errors is limited.

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USAC has scheduled a total of 40 HATS visits to date and completed 26. During calendar 2007, USAC plans to complete a total of 100 visits.

Applicants that have received a HATS visit have found this program to be of great value. They appreciate the information and resources provided and the opportunity to share suggestions. To keep you informed about the HATS program, we will include a quote from a HATS applicant in the first News Brief of each month.

HATS Quote for March:

"While having attended the USAC training this fall and having a pretty good 'handle' on the program, I was still able to learn (and hopefully provide) a great deal during the HATS visit. Providing the HATS services to small, less knowledgeable 'districts' would be very useful. Thank you for the opportunity to participate in this session."

Mike Williams, Technology Director of the Aberdeen School District

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April 20 2007 USAC Newsletter - Two-in-Five guidance

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Schools and Libraries News Brief

April 20, 2007

TIP OF THE WEEK: Consider filing your FY2007 Form 486 early if you are eligible to do so. The requirements for early filing are contained in the [Form 486 Instructions](#).

Commitments for Funding Years 2007 and 2006

Funding Year 2007. USAC will release FY2007 Wave 1 Funding Commitment Decision Letters (FCDLs) April 23. This wave will include over \$202 million in commitments for approved Priority 1 requests (Telecommunications Services and Internet Access) for schools and libraries at all discount levels.

Funding Year 2006. USAC will release FY2006 Wave 49 FCDLs April 24. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 86% and above and denials at 84% and below. As of April 20, FY2006 commitments total just under \$1.9 billion.

After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Changes in PIA Reviews for FY2007

There will be several changes to the Program Integrity Assurance (PIA) review process for FY2007. Following is a short summary of those changes with some additional information on the process itself. In the near future, USAC will be updating the appropriate guidance material on the website to reflect these changes.

These changes affect the following areas of application review:

- Ministerial and clerical error corrections
- Contracts
- Two-in-Five entity removals
- The 30% Rule
- Mixed bucket funding requests
- Ineligible telecommunications providers
- Contacts and deadlines

Ministerial and clerical error corrections

Applicants can make certain corrections to posted Forms 470 using the process detailed in the [Form 470 Receipt Notification Letter \(RNL\)](#). They can also make corrections to posted Forms 471 using a similar process detailed in the [Form 471 Receipt Acknowledgment Letter \(RAL\)](#).

For FY2006, USAC included ministerial and clerical error correction questions in the PIA review process after reviews had already started. For FY2007, all applicants contacted by PIA will be notified if PIA has detected any correctable errors and will be given 15 days to submit corrections.

Remember that PIA cannot detect all possible errors on your form. For example, if you cite a Form 470 on a Form 471 Block 5 funding request that did not post for the correct category of service, PIA will inform you and give you an opportunity to correct the Form 470 cited. However, if your library system includes 17 branches and you only put 16 of the branches on a Block 4 worksheet associated with a funding request for all of your branches, PIA is unlikely to notice that a branch is missing. If you notice an error that PIA does not identify for you, be sure to inform your PIA reviewer.

Contracts

If your FY2007 funding request is for contracted services, your contract must contain an applicant signature and a date, and it must comply with state contract law. PIA will not request a service provider signature and date. During the review of your application, PIA may ask for a copy of your contract.

The contract award date must be:

- on or after the allowable vendor selection/contract date (in other words, the applicant must have waited at least 28 days after the Form 470 was posted to the USAC website)
- on or before the date the Form 471 was received or postmarked
- on or before the close of the Form 471 application filing window

Remember that applicants and service providers must comply with state contract law in addition to program requirements. So, if your state contract law requires two signatures and two dates, you must comply with that requirement.

Two-in-Five entity removals

Applicants can remove entities from a Block 4 worksheet in order to gain a year of eligibility for those entities under the [Two-in-Five Rule](#). However, if USAC has disbursed funds on the Funding Request Number (FRN) that features that worksheet, the entities listed in the worksheet cannot regain a year. For example:

Six of the eight schools in Blue School District were listed on a single FRN for cabling services. The service provider completed the cabling at one school and invoiced USAC on a Service Provider Invoice (SPI) Form 474. USAC processed the invoice and paid the service provider. All six of the schools listed on the FRN are considered to have used a year under the Two-in-Five Rule.

Because entity removals can be requested during PIA review, the March 30 deadline cited in earlier guidance does not apply.

NOTE: The [March 2, 2007 News Brief](#) has been corrected to reflect this guidance. If you print and save copies of the News Briefs, please reprint and replace this issue.

The 30% Rule

The 30% Rule states that if 30% or more of an applicant's funding request is for ineligible products and/or services, USAC will deny the FRN.

During the review of FY2007 applications, PIA will first identify all ineligible products and services before contacting the applicant with questions. The applicant will be given the choice of removing the ineligible products and/or services or allowing some or all of them to remain in the FRN. After PIA finishes its review work, if 30% or more of the products and services still remaining in the FRN are ineligible, PIA will deny the FRN.

As a reminder, the 30% Rule no longer applies to ineligible entities. So, for example, if PIA finds that 40 of the 100 members (40%) of a consortium do not have [Letters of Agency](#), PIA will remove the ineligible entities rather than deny the FRN.

Mixed-bucket funding requests

Each year, some applicants include Priority 2 (Internal Connections and Basic Maintenance) products and services in a Priority 1 (Telecommunications Services and Internet Access) funding request. We refer to such funding requests as "mixed-bucket FRNs."

In general, if your PIA reviewer notices that you have created a mixed-bucket FRN, you will be given the opportunity to create a new FRN and move the Priority 2 products and/or services into that new FRN.

However, keep in mind that:

- The new FRN becomes part of your Form 471 application. It will appear on your FCDL and feature the appropriate portions of the dollar amounts from your original funding request. If it is funded, you must include that new FRN on a Form 486 in order for USAC to pay invoices featuring those products and services.
- Your Form 471 will be considered a mixed-bucket Form 471, which means that USAC's decision on your Priority 1 request may be delayed. In other words, USAC will not be able to issue a decision on your Priority 1 request until we can determine if we can fund the Priority 2 request at your discount level. For this reason, we always encourage applicants not to mix Priority 1 requests with Priority 2 requests on the same Form 471.
- If USAC can issue funding decisions at the discount level of your Priority 2 request (for example, if the original FRN and the new FRN are both at the 90% discount level and USAC has determined that Priority 2 requests at 90% can be funded), USAC may simply issue a funding decision on your mixed-bucket FRN instead of creating a new FRN for the Priority 2 products and services.

Ineligible telecommunications providers

In general, an [Operational SPIN Change](#) can be requested only after a funding commitment has been made. However, starting in FY2007, PIA will allow an applicant to request an operational SPIN Change pre-commitment if the chosen service provider is an ineligible telecommunications provider.

Contacts and deadlines

In general, PIA gives applicants 15 days to respond to questions sent by email or fax. Applicants can request an extension of this deadline, but that will delay the processing of their applications.

If you want to request corrections to your Form 471, you should use the process described in the [Form 471 Receipt Acknowledgment Letter \(RAL\)](#) to submit your request. Your deadline for submitting corrections is 20 days (15 days plus five days to allow for mail receipt) from the date of the RAL.

Please note also that, during the FY2007 review process, PIA may contact you more than once with what may appear to be the same or similar questions. This extra review work is being done to verify some or all of the responses that you have provided. In cases where your response may result in a modification or denial of an FRN, this additional contact will provide you with an opportunity to confirm that your original responses are correct.

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Schools and Libraries News Brief

UPDATED ON WEB
ARCHIVE
March 2, 2007

TIP OF THE WEEK: If you filed an online Form 471 for FY2007 before the close of the filing window but did not certify your form, your deadline to do so is March 12. Form 471 certifications postmarked after that date will be considered out-of-window.

Commitments for Funding Year 2006

USAC will release FY2006 Wave 46 FCDLs March 6. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 87% and above. As of March 2, FY2006 commitments total just under \$1.8 billion.

USAC will continue to issue weekly funding commitment waves for FY2006. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Removing Entities from a Block 4 Worksheet

The Two-in-Five Rule

The [Two-in-Five Rule](#) became effective starting in FY2005. Under this rule, an entity can receive funding for Internal Connections in only two out of any five funding years. For example, an entity that received a commitment for Internal Connections in both FY2005 and FY2006 is not eligible to receive a commitment for Internal Connections in FY2007. Commitments for Internal Connections for funding years before FY2005 are not subject to this rule.

An entity is considered to use a year under this rule if it is featured on a Form 471 Block 4 worksheet cited in Item 22 of a funded Internal Connections funding request.

Beginning with FY2007, applicants filing Internal Connections funding requests were alerted if one or more of the entities they included on a Block 4 worksheet had already used (or might use, if commitments were still pending) both of their two years out of five allotted for Internal Connections funding. Online filers received a warning message; paper filers received a telephone call during USAC's data entry of their forms.

Some applicants have asked if they can remove entities from an Internal Connections funding commitment for FY2005 or FY2006 so that those entities would be eligible to receive a commitment for FY2007. Here are some examples of situations where this might be to an applicant's advantage:

- The Internal Connections funding commitment for FY2006 was for a very small project, but a large project is planned for FY2007.
- A consortium that received Internal Connections commitments in FY2005 and FY2006

listed a particular entity on the Block 4 worksheets for both funding requests, but that entity would rather forgo the FY2006 funding because it has its own Internal Connections funding request for FY2007.

- A school district listed all of its individual schools on the Block 4 worksheets for FY2005 and FY2006 even though not all of those individual schools were actually sharing the Internal Connections requested and funded.

You now have the opportunity to remove entities from FY2005 and FY2006 Block 4 worksheets. You can cancel entire Funding Request Numbers (FRNs) or you can break apart FRNs and cancel only that part of the funding request associated with the entities that you are removing.

For example, say that you received funding for an FY2006 FRN for three servers, one each for Red School, Blue School, and Green Library. You now want to give back the commitment for Green Library so that the library can be eligible for Internal Connections funding in FY2007. Red School and Blue School can keep their share of the funding commitment, and you can return the commitment associated with the server for Green Library.

If you are unsure of your status under the Two-in-Five Rule, you can use the [2-in-5 Tool](#) to find out which entities have used their years for Internal Connections and are therefore not eligible to receive Internal Connections funding in FY2007.

How to submit an entity removal request

To request the removal of one or more entities from Internal Connections FRNs, you must write a letter requesting the removal and submit it to USAC. You can submit your request before or during PIA review.

Remember, however, that there may be consequences for removing one or more entities from a funding request. For example, if the removal of entities reduces the discount level of an FRN below the funding threshold for Internal Connections for that funding year, the entire FRN will be denied.

If you are filing an entity removal request, be sure to include the following information:

1. State that you are requesting the removal of one or more entities from FRNs. We recommend that you put the heading "Entity Removal Request" at the top of your letter.
2. Provide a list of the entities you want to remove. For each entity, include the entity name, entity number and funding year.
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SBCUSD 2007 4th Qtr Disbursement Report

USAC Schools and Libraries
E-Rate Quarterly Disbursements
Authorization Report

Period: 10/01/2007 - 12/007

Billed Entity Number: 143740

Billed Entity Name: SAN BERNARDINO CITY UNIF S D

Funding Year	APPL #	FRN #	FRN Committed Amount	FRN Authorized Disbursements To Date	Service Provider Number (SPIN)	Service Provider Name	Disbursement Authorization Date	Authorized Disbursements		
								SPI	BEAR	Total
07/01/2006-06/30/2007	508197	1431028	\$1,062,787.97	\$1,039,075.56	143004769	Verizon California Inc.	12/17/2007	\$1,039,075.		\$1,039,075.
							SPIN Total	\$1,039,075.56		\$1,039,075.56
		1431038	\$28,992.90	\$27,096.36	143004038	Verizon Select Services	11/01/2007		\$27,096.36	\$27,096.36
							SPIN Total		\$27,096.36	\$27,096.36
							Application Total	\$1,039,075.56	\$27,096.36	\$1,066,171.92
07/01/2006-06/30/2007	535228	1481992	\$6,587,645.57	\$1,995,578.36	143005588	CDW-G	10/08/2007	\$723,124.29		\$723,124.29
							12/03/2007	\$839,000.77		\$839,000.77
							12/20/2007	\$433,453.30		\$433,453.30
							SPIN Total	\$1,995,578.36		\$1,995,578.36
		1482319	\$691,342.34	\$337,023.92	143005588	CDW-G	12/03/2007	\$296,077.09		\$296,077.09
							12/20/2007	\$40,946.83		\$40,946.83
							SPIN Total	\$337,023.92		\$337,023.92
							Application Total	\$2,332,602.28		\$2,332,602.28
07/01/2006-06/30/2007	536215	1483605	\$2,040,496.27	\$121,299.27	143004816	SIEMENS ENTERPRISE NETW	11/01/2007	\$15,899.35		\$15,899.35
							11/01/2007	\$15,775.35		\$15,775.35
							11/01/2007	\$15,785.51		\$15,785.51
							11/01/2007	\$17,917.93		\$17,917.93
							11/01/2007	\$17,952.75		\$17,952.75
							12/03/2007	\$713.74		\$713.74
							12/03/2007	\$704.17		\$704.17
							12/03/2007	\$802.22		\$802.22
							12/03/2007	\$34,922.31		\$34,922.31
							12/03/2007	\$825.94		\$825.94
							SPIN Total	\$121,299.27		\$121,299.27
							Application Total	\$121,299.27		\$121,299.27
07/01/2006-06/30/2007	536355	1484267	\$103,162.85	\$90,816.00	143020726	Vector Resources, Inc.	10/11/2007	\$7,568.00		\$7,568.00
							SPIN Total	\$7,568.00		\$7,568.00
							Application Total	\$7,568.00		\$7,568.00
07/01/2006-06/30/2007	536567	1484692	\$3,048,619.34	\$1,424,146.46	143006793	Checkpoint Communicatio	10/29/2007	\$100,851.54		\$100,851.54

Disbursement Authorization Date: Date SLD authorized disbursement unit to disburse funds.
SPI: Service Provider Invoice; payments authorized based on this form.
BEAR: Billed Entity Applicant Reimbursement Form; payments authorized based on this form.



Universal Service Administrative Company

Schools & Libraries Division

May 12, 2008

Kimberly Friends
 SAN BERNARDINO CITY UNIF S D
 Telephone: 909 944-7798
 Fax: 909-481-7410
 Application Number 536215

The Program Integrity Assurance (PIA) team is in the process of reviewing all Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. We are currently in the process of reviewing your **Funding Year 2005 Form 471 Application (this is a FY2006 application but the correct application number is referenced)**. To complete our review, we need some additional information. The information needed to complete the review is listed below...
 You have requested that we remove the following 59 Entities:

ALLRED CENTER	16034092
ALTERNATIVE LEARNING CENTER	224636
ANDERSON SCHOOL	105067
ANTON ELEMENTARY	16036341
ARROWHEAD ELEMENTARY SCHOOL	105006
BARTON ELEMENTARY SCHOOL	105011
BELVEDERE ELEMENTARY SCHOOL	104836
BONNIE OEHL ELEMENTARY SCHOOL	104839
BRADLEY ELEMENTARY SCHOOL	105016
BUILDING SERVICES	16022705
BURBANK ELEMENTARY SCHOOL	105054
CAJON HIGH SCHOOL	105038
CARMACK SCHOOL	105040
COLE ELEMENTARY SCHOOL	104844
CYPRESS ELEMENTARY SCHOOL	104847
DAVIDSON ELEMENTARY SCHOOL	105022
DEL ROSA ELEMENTARY SCHOOL	105008
EMMERTON ELEMENTARY SCHOOL	105021
FAIRFAX ELEMENTARY SCHOOL	105019

FINE ARTS/MUSIC LIBRARY	16022707
HIGHLAND-PACIFIC ELEM SCHOOL	104842
HILLSIDE ELEMENTARY SCHOOL	105039
HUNT ELEMENTARY SCHOOL	105014
INGHRAM ELEMENTARY SCHOOL	105069
JUANITA BLAKELY JONES ELEMENTARY SCHOOL	224676
KENDALL ELEMENTARY SCHOOL	105036
KIMBARK ELEMENTARY SCHOOL	105033
LANKERSHIM ELEMENTARY SCHOOL	104846
LINCOLN ELEMENTARY SCHOOL	105031
LYTLE CREEK ELEMENTARY SCHOOL	105058
MANULE A. SALINAS ELEMENTARY SCHOOL	16034088
MARSHALL ELEMENTARY SCHOOL	105024
MIDDLE COLLEGE HIGH SCHOOL	231998
MONTEREY ELEMENTARY SCHOOL	105057
MOUNT VERNON ELEMENTARY SCHOOL	105076
MUSCOY ELEMENTARY SCHOOL	105050
NEWMARK ELEMENTARY SCHOOL	105042
NORTH PARK ELEMENTARY SCHOOL	105035
NORTH VERDEMONT ELEM SCHOOL	105034
PALM AVENUE ELEM	105047
PARKSIDE ELEMENTARY SCHOOL	105003
RAMONA ALESSANDRO ELEM SCHOOL	105078
RILEY ELEMENTARY SCHOOL	105032
RIO VISTA ELEMENTARY SCHOOL	105072
ROBERTS ELEMENTARY SCHOOL	105064
ROOSEVELT ELEMENTARY SCHOOL	105074
SAN GORGONIO HIGH SCHOOL	105018
SBCUSD DISTRICT OFFICE	16022701
SCHOOL POLICE	16022702
SMART BUILDING	16022703
THOMPSON ELEMENTARY SCHOOL	104848
URBITA ELEMENTARY SCHOOL	105062
VERMONT ELEMENTARY SCHOOL	105052

WAREHOUSE/SUPPLY BUILDING	16022706
WARM SPRINGS ELEMENTARY SCHOOL	105065
WHAA BUILDING	16022704
WILSON ELEMENTARY SCHOOL	105013
YVONNE HARMON DEVELOPMENT SCHOOL	105041
YWCA ACADEMY	224563

Based on your request we intend to modify the FRNs listed below to remove the cost associated with the removal of these entities.

FRN 1483539: The pre commitment funding request has been changed from \$95,265.00 to \$18,270.00

The cost removed was based on the following straight line cost allocation:
 (Total Annual FRN amount/Total Entities for the FRN) X Number of Entities being removed.

Please confirm if you agree with the cost allocation. ___ Yes or X No

The 59 entities noted above were added to this application IN ERROR and none of the Block 5 costs are associated with them. It was simply a matter of using the wrong Block 4 upload worksheet when building the application. There should be no reduction in the funding request.

Additionally, there is another funding request (FRN 1483605) included on this application and it too should have NO reduction in the pre-commitment funding request as the error was simply in using the wrong worksheet to build the application.

San Bernardino City Schools has multiple applications and Block 4 combinations for Internal Connections, Basic Maintenance of Internal Connections and Priority one services. The Block 4 upload worksheet that was used on this application (in error) was the one for Basic Maintenance of Internal Connections as there is a funding request for Siemens on that application as well.

Please contact me at 909.944.7798 if you have any further questions.

Thank You.

Kimberly Friends

Vice-President, E-Rate Services

Consultant, San Bernardino City Unified School District

What to do if you disagree:

Option 1

If you do not agree with the cost allocation that we have indicated, you must provide an alternative cost allocation setting forth how the costs are allocated between the entities. Such a cost allocation must be based on tangible criteria and reach a realistic result.

Option 2

If you do not agree with the cost allocation then please provide third party documentation, which specifically delineates the costs of the products and services setting forth how the costs are allocated between the entities. Such a cost allocation must be based on tangible criteria and reach a realistic result.

Please fax or e-mail the requested information to my attention. If you have any questions, please feel free to contact me.

In addition, your contact information indicates that you are a consultant. Please provide a copy of a current consulting agreement or LOA authorizing you to act on behalf of the applicant for this FY 2006 application.

It is important that we receive all of the information requested so we can complete our review.
Failure to do so may result in a reduction or denial of funding.

Should you wish to cancel this 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 application number and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Please send the required information within 15 calendar days. If you need additional time to prepare your response, please let me know as soon as possible.

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

Tom Celentano
Schools & Libraries Division
Phone 973-581-5105
Fax 973-599-6506
tcelent@sl.universalservice.org

Kim Friends

From: Celentano, Thomas [TCELENT@sl.universalservice.org]
Sent: Tuesday, May 27, 2008 7:25 AM
To: kfriends@csmgconsulting.com
Cc: Kimberly Friends@1-909-481-7410
Subject: San Bernardino City Unif SD - Application 536215
Attachments: 536215 San Bernardino.doc

Importance: High

May 27, 2008

Ms. Kimberly Friends
909 944-7798
Application Number 536215

Response Due Date: *May 28, 2008*

You were recently sent a request for additional information needed by the Program Integrity Assurance (PIA) team to review your Funding Year 2006 Form 471 application to ensure that it is in compliance with the rules of the Universal Service program. This is a reminder that your response due date was today May 27, 2008 and the documentation we received regarding your FRN(s) was incomplete. Please respond to the following questions in its entirety. If you feel you have responded to the question already or you need a further explanation, please feel free to contact me.

I have attached my original request. If you disagree with the allocation I provided, you cannot provide an applicant statement that there is no reduction in funding. You must choose either Option 1 or 2 as indicated in my letter. In addition, you did not provide a copy of a current consulting agreement as requested that authorizes you to act on behalf of the applicant.

We did not provide a response for **FRN 1483605** because funds have already been disbursed. You will be receiving a separate correspondence from USAC regarding this FRN.

Please fax or e-mail the requested information to my attention. If you have any questions please feel free to contact me.

It is important that we receive all of the information requested so PIA can complete its review. **Failure to respond may result in a reduction or denial of funding.**

If we do not receive the information by close of business tomorrow, May 28, 2008, your application will be reviewed using the information currently on file. 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); 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.

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

Tom Celentano
Schools & Libraries Division
Phone 973-581-5105
Fax 973-599-6506
tcelent@sl.universalservice.org

Confidentiality Notice: *The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is **STRICTLY PROHIBITED**. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.*

From: Paul Stankus [mailto:pstankus@usac.org]
Sent: Monday, July 13, 2009 8:17 AM
To: Kim Friends
Cc: Robert Spiller
Subject: RE: 2 in 5 Rule Siemens Year 9 Corrections

Kim,

I left you a voice mail about it several days ago (apparently while you were on vacation)

Basically what I said is, it was already decided, and turned down, because funds had been disbursed on an FRN with those entities. Under FCC guidance we received last year, if even \$1 was disbursed on one FRN that had the entities on it, that all of the entities on that FRN used a year and it cannot be brought back. You would need to seek a waiver from the FCC to remove the entities that were placed in error.

I am working from home today, and do not have access to the file with your info to tell you the specific FRN that had funds disbursed, but if you check your records, you will see that at least one FRN with the entities listed had funds disbursed.

Sorry we can't help you with this entity removal process.

Paul Stankus

FCC Form 500

Do Not Write In This Area

Approval by 3060-0853
Estimated time per response:
1.5 hours

**Universal Service for Schools and Libraries
Adjustment to Funding Commitment and
Modification to Receipt of Service Confirmation Form**

Please read instructions before completing. (To be completed by Schools and Libraries or Consortia.)

Applicant's Form Identifier: SBCUSD500Y9 CDWG-SIEMS
(Create your own code to identify THIS Form 500)

Form 500 Application Number:
(To be assigned by administrator.)

Block 1: Applicant Information

1. Name of Billed Entity SAN BERNARDINO CITY UNIF S D	2. Billed Entity Number 143740	3. Funding Year 2006
4. Complete Mailing Address of Billed Entity Applicant Street Address, P. O. Box or Route Number		
777 N F ST	CITY SAN BERNARDINO	STATE CA
		ZIP CODE 92410
10-Digit Phone Number (909) 381-1240	Fax Telephone Number (909) 885-6392	Email Address
5. Contact Person Information		
Contact Person Name T.J. McCauley		
Mailing Address Street Address, P. O. Box or Route Number		
777 N. F Street	CITY San Bernardino	STATE CA
		ZIP CODE 92410
10-Digit Phone Number (909) 386-2550	Fax Telephone Number (909) 386-2554	Email Address tjmccauley@sbcusd.k12.ca.us

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley
 Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 2: Services Adjustment: Fill in one Block 2 for EACH Funding Request (FRN) affected. If you are submitting more than one Block 2, please number your pages 2A, 2B, 2C, etc. and write the number in the space provided here: Page 2 A

5. Provide the following information about each service cited in your Form 471 Block 5, Discount Funding Request, (FRN) for which you want to take one of the following actions:
Remember: The FRNs listed on this form must be for the same Funding Year as listed in Item 3, Block 1.
New Start Date: If you wish to change the Funding Year Service Start Date you listed on a previously filed Form 486 in this funding year. This action will NOT result in more funding.
Contract Expiration Date: If you wish to change the ending date for services. This action will not result in more funding but you could combine it with a reduction in funding.
Cancel: If you wish to cancel a Funding Request Number. Please note: This action is irrevocable and the FRN can NOT be reinstated later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.
Reduce: If you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN can NOT be increased later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

The information required can be found in your Funding Commitment Decision Letter (FCDL) pertaining to the Funding Request (FRN) being affected.

To launch the submission of invoices for payment, please file **Form 486**.

IDENTIFICATION OF THE FRN TO BE ADJUSTED

(A) Form 471 Application Number:	536668
(B) Funding Request Number:	1484943
(C) Billing Account Number:	n/a
(D) Service Provider Name:	CDW-G
(E) Service Provider SPIN:	143005588

ADJUSTMENT TO FRN LISTED ABOVE:

(F) Service Start Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(G) Contract Expiration Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(H) Cancel FRN	Original Commitment Amount:	New Commitment Amount:
Please Cancel	\$145,421.06	\$0.00
(I) Reduce FRN	Original Commitment Amount from FCDL:	New Commitment Amount AFTER Reduction:
Please Reduce		

Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley
 Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 2: Services Adjustment: Fill in one Block 2 for EACH Funding Request (FRN) affected. If you are submitting more than one Block 2, please number your pages 2A, 2B, 2C, etc. and write the number in the space provided here: Page 2 **B**

5. Provide the following information about each service cited in your Form 471 Block 5, Discount Funding Request, (FRN) for which you want to take one of the following actions:
Remember: The FRNs listed on this form must be for the same Funding Year as listed in Item 3, Block 1.
New Start Date: If you wish to change the Funding Year Service Start Date you listed on a previously filed Form 486 in this funding year. This action will NOT result in more funding.
Contract Expiration Date: If you wish to change the ending date for services. This action will not result in more funding but you could combine it with a reduction in funding.
Cancel: If you wish to cancel a Funding Request Number. Please note: This action is irrevocable and the FRN can NOT be reinstated later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.
Reduce: If you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN can NOT be increased later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

The information required can be found in your Funding Commitment Decision Letter (FCDL) pertaining to the Funding Request (FRN) being affected.

To launch the submission of invoices for payment, please file **Form 486**.

IDENTIFICATION OF THE FRN TO BE ADJUSTED

(A) Form 471 Application Number:	536215
(B) Funding Request Number:	1483539
(C) Billing Account Number:	n/a
(D) Service Provider Name:	SIEMENS ENTERPRISE NETWORKS LLC
(E) Service Provider SPIN:	143004816

ADJUSTMENT TO FRN LISTED ABOVE:

(F) Service Start Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(G) Contract Expiration Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(H) Cancel FRN	Original Commitment Amount:	New Commitment Amount:
Please Cancel	\$81,927.90	\$0.00
(I) Reduce FRN	Original Commitment Amount from FCDL:	New Commitment Amount AFTER Reduction:
Please Reduce		

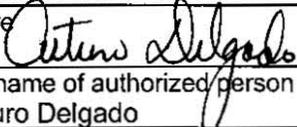
Do Not Write In This Area

Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley

Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 3: Certification

- 7. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- 8. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
- 9. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.

10. Signature 	11. Date 2/12/09 2/12/09
12. Printed name of authorized person Dr. Arturo Delgado	
13. Title or position of authorized person Superintendent	
14. Telephone number of authorized person (909) 381-1240	
15. E-Mail address of authorized person arturo.delgado@sbcusd.k12.ca.us	
16. Address of authorized person 777 N. F Street San Bernardino, CA 92410	

A paper copy of this form, with an authorized signature in Block 3, Item 10 should be mailed to:

SLD Form 500
P. O. Box 7026
Lawrence, Kansas 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:

SLD-Forms
ATTN: SLD Form 500
3833 Greenway Drive
Lawrence, Kansas 66046
888-203-8100

FCC Form 500

Do Not Write In This Area

Approval by 3060-0853
Estimated time per response:
1.5 hours

**Universal Service for Schools and Libraries
Adjustment to Funding Commitment and
Modification to Receipt of Service Confirmation Form**

Please read instructions before completing. (To be completed by Schools and Libraries or Consortia.)

Applicant's Form Identifier: SBCUSD500Y9SIEM-CDWG
(Create your own code to identify THIS Form 500)

Form 500 Application Number:
(To be assigned by administrator.)

Block 1: Applicant Information

1. Name of Billed Entity SAN BERNARDINO CITY UNIF S D	2. Billed Entity Number 143740	3. Funding Year 2006
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4. Complete Mailing Address of Billed Entity Applicant Street Address, P. O. Box or Route Number				City	State	Zip Code
777 N F ST				SAN BERNARDINO	CA	92410

10-Digit Phone Number (909) 381-1240	Fax Telephone Number (909) 885-6392	Email Address
---	--	---------------

5. Contact Person Information

Contact Person Name
T.J. McCauley

Mailing Address Street Address, P. O. Box or Route Number				City	State	Zip Code
777 N. F Street				San Bernardino	CA	92410

10-Digit Phone Number (909) 386-2550	Fax Telephone Number (909) 386-2554	Email Address tjmccauley@sbcusd.k12.ca.us
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FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley

Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 2: Services Adjustment: Fill in one Block 2 for EACH Funding Request (FRN) affected. If you are submitting more than one Block 2, please number your pages 2A, 2B, 2C, etc. and write the number in the space provided here: Page 2 **A**

5. Provide the following information about each service cited in your Form 471 Block 5, Discount Funding Request, (FRN) for which you want to take one of the following actions:
- Remember: The FRNs listed on this form must be for the same Funding Year as listed in Item 3, Block 1.**
- New Start Date:** If you wish to change the Funding Year Service Start Date you listed on a previously filed Form 486 in this funding year. This action will NOT result in more funding.
- Contract Expiration Date:** If you wish to change the ending date for services. This action will not result in more funding but you could combine it with a reduction in funding.
- Cancel:** If you wish to cancel a Funding Request Number. Please note: This action is irrevocable and the FRN can NOT be reinstated later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.
- Reduce:** If you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN can NOT be increased later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

The information required can be found in your Funding Commitment Decision Letter (FCDL) pertaining to the Funding Request (FRN) being affected.

To launch the submission of invoices for payment, please file **Form 486**.

IDENTIFICATION OF THE FRN TO BE ADJUSTED

(A) Form 471 Application Number:	535228
(B) Funding Request Number:	1481992
(C) Billing Account Number:	n/a
(D) Service Provider Name:	CDW-G
(E) Service Provider SPIN:	143005588

ADJUSTMENT TO FRN LISTED ABOVE:

(F) Service Start Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(G) Contract Expiration Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(H) Cancel FRN	Original Commitment Amount:	New Commitment Amount:
Please Cancel		\$0.00
(I) Reduce FRN	Original Commitment Amount from FCDL:	New Commitment Amount AFTER Reduction:
Please Reduce	\$6,587,645.57	\$2,312,044.67

Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley

Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 2: Services Adjustment: Fill in one Block 2 for EACH Funding Request (FRN) affected. If you are submitting more than one Block 2, please number your pages 2A, 2B, 2C, etc. and write the number in the space provided here: Page 2 **B**

5. Provide the following information about each service cited in your Form 471 Block 5, Discount Funding Request, (FRN) for which you want to take one of the following actions:
Remember: The FRNs listed on this form must be for the same Funding Year as listed in Item 3, Block 1.
New Start Date: If you wish to change the Funding Year Service Start Date you listed on a previously filed Form 486 in this funding year. This action will NOT result in more funding.
Contract Expiration Date: If you wish to change the ending date for services. This action will not result in more funding but you could combine it with a reduction in funding.
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Reduce: If you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN can NOT be increased later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

The information required can be found in your Funding Commitment Decision Letter (FCDL) pertaining to the Funding Request (FRN) being affected.

To launch the submission of invoices for payment, please file **Form 486**.

IDENTIFICATION OF THE FRN TO BE ADJUSTED

(A) Form 471 Application Number:	536215
(B) Funding Request Number:	1483605
(C) Billing Account Number:	n/a
(D) Service Provider Name:	SIEMENS ENTERPRISE NETWORKS LLC
(E) Service Provider SPIN:	143004816

ADJUSTMENT TO FRN LISTED ABOVE:

(F) Service Start Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(G) Contract Expiration Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(H) Cancel FRN	Original Commitment Amount:	New Commitment Amount:
Please Cancel		\$0.00
(I) Reduce FRN	Original Commitment Amount from FCDL:	New Commitment Amount AFTER Reduction:
Please Reduce	\$2,040,496.27	\$290,256.62

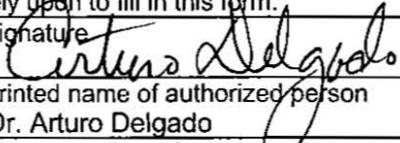
Do Not Write In This Area

Billed Entity Name SAN BERNARDINO CITY UNIF S D Contact Name T.J. McCauley

Billed Entity Number 143740 Contact Telephone Number (909) 386-2550

Block 3: Certification

7. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
8. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
9. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.

10. Signature 	11. Date <u>2/27/05</u>
12. Printed name of authorized person <u>Dr. Arturo Delgado</u>	
13. Title or position of authorized person <u>Superintendent</u>	
14. Telephone number of authorized person <u>(909) 381-1240</u>	
15. E-Mail address of authorized person <u>arturo.delgado@sbcusd.k12.ca.us</u>	
16. Address of authorized person <u>777 N. F Street San Bernardino, CA 92410</u>	

A paper copy of this form, with an authorized signature in Block 3, Item 10 should be mailed to:

SLD Form 500
P. O. Box 7026
Lawrence, Kansas 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:

SLD-Forms
ATTN: SLD Form 500
3833 Greenway Drive
Lawrence, Kansas 66046
888-203-8100

Timeline of Events
San Bernardino City Unified School District
Request for Removal of Entities – application # 536215

- February 2006
 - Form 471 application 536215 submitted and certified
- March 2007
 - USAC issues guidance for removal of entities for 2 in 5 compliance
- April 2007
 - FCDL issued for application 536215 (April 3, 2007)
 - USAC issues guidance for removal of entities for 2 in 5 compliance (April 20, 2007)
- August 2007
 - First submission of request for removal of entities on 536215 Block 4
- November 2007
 - First disbursements made on 536215 (FRN 1483605) – November 1, 2007
 - Second submission of request for removal of entities on 536215 Block 4 November 17, 2007
- February 2008
 - Follow up request for status of request for removal of entities
- May 2008
 - First communication regarding some action on the part of USAC to the request for removal of entities
- May-June 2008
 - Additional discussion of reduction of funding requests, etc.
- February 2009
 - Form 500 filed
 - Cancel FRN 1483539
 - Reduce FRN 1483605
- June 2009
 - Further follow up requested to Ombudsman’s office
- July 2009
 - Received informal written (email) communication regarding disposition and further action required
- September 2009
 - Prepare and file Request for Waiver from FCC