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FCC Mail Room

December 31, 2009

**Appeal of Administrator's Decision on Appeal – Funding Year 2009-2010  
November 2, 2009**

**Sent to**

FCC, Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554  
CC Docket No. 02-6

**Contact Information**

Robert Beck  
Education Consortium  
790 Newtown-Yardley Road, Suite 410  
Newtown, PA 18940  
267-352-0137 (voice)  
215-504-5047 (fax)  
[robertbeck@e-rate-ects.org](mailto:robertbeck@e-rate-ects.org)

**Basis for Appeal**

Decision on Appeal - Rio Dell Elementary School District (CA)  
95 Center Street  
Rio Dell, CA 95561-1399  
BEN 144530

Funding Year 2009-2010  
471 Application Number 654733

**Appealing the shared discount rate for Form 471 # 654733**

**Request**

This is a timely appeal regarding the shared discount rate for Form 471 #654733 – requesting that it be increased from 77% to 90%. We requested the increase based on the Bishop Perry Order provisions, but the Administrator denied the request because it was not made during the RAL window.

I am authorized by the school district to submit this appeal, and am the contact person on the original application.

No. of Copies rec'd 2  
List ABCDE 1

## **Explanation**

As indicated in the Appeal of FCDL Award letter (dated August 28, 2009), during the PIA review in June 2009 we had discovered a clerical error in calculating the shared discount percentage for the Rio Dell ESD. Accordingly, we requested the opportunity to use the correct information under the provision of the Bishop Perry Order. This increased the shared discount rate from 77% to 90% for the school. For the year prior to this application, PIA reviewers had routinely approved such requests, even though they were outside the RAL corrections window.

When the FCDL was issued, the request was not honored. When we appealed, the Administrator upheld the denial, claiming that such a request had to have been made during the RAL correction window. In support of this position, the Administrator cited the Bishop Perry Order wording in the FCC record, and then cited USAC's RAL procedure.

Our position is that that the Bishop Perry Order does not require such changes to be made exclusively during the RAL window. We feel that the USAC staff has added an extra requirement that is not included in the Bishop Perry Order, and in doing so is penalizing the school districts.

## **Conclusions**

We respectfully request that the Denial on Appeal be reversed and that the shared discount rate for the Rio Dell ESD be increased from 77% to 90% for the following reasons:

- Such changes are allowed under the Bishop Perry Order if made within 15 days of notification by an SLD reviewer of a clerical error (see copy of relevant Order section, attached). Here, we had responded to the PIA Reviewer within 3 days when he questioned the data we had used in Block 4 on the Form 471.
- The Bishop Perry Order does not require that these requests be made exclusively during the RAL form window. This appears to be an extra restriction added by USAC.
- The SLD had routinely permitted such changes outside the RAL window during the year prior to this decision, and so this is an inconsistent application of their own rules and constitutes an unequal treatment of this application.
- The SLD and the Administrator responses also raise the question: why provide information to a PIA reviewer if the information is to be disregarded?

In their response, the USAC Administrator has not addressed our argument against the RAL restriction as the sole time for requesting changes, only restating their own rules that seem to be an addition to what is required in the FCC's Bishop Perry Order. The Administrator also did not address the inconsistency with which they then applied their own restriction – allowing corrections outside the RAL window for some applications and denying them for others.

The amount of funding lost is approximately \$2,437.76 (between a 77% and 90% discount rate). This adversely affects this school, and since it is within the spirit and intent of the E-rate program to fund a school to the maximum entitled extent, we are requesting that this funding percentage reduction be reversed and approved for funding at 90% for this Form 471.

Thank you for your consideration.

Robert Beck  
Education Consortium  
E-Rate Contact for Rio Dell Elementary School District  
Certified Mail – Return Receipt # 7009 1410 0001 1544 6069

*Robert Beck*

**Authorized person information**

Mary Varner – Superintendent – 707-764-5694

Attachments: USAC Administrator's Denial of Appeal Letter dated November 2, 2009  
USAC Appeal Letter August 28, 2009 with associated correspondence  
FCDL – dated July 14, 2009 (see comment on Page 3 of 5 for FRN 1793904)



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

November 02, 2009

Robert Beck  
Education Consortium  
790 Newtown-Yardley Road  
Suite 410  
Newtown, PA 18940

Re: Applicant Name: RIO DELL ELEM SCHOOL DISTRICT  
Billed Entity Number: 144530  
Form 471 Application Number: 654733  
Funding Request Number(s): 1793904, 1793911, 1793919  
Your Correspondence Dated: August 28, 2009

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1793904, 1793911, 1793919

Decision on Appeal: **Denied**

Explanation:

- A Form 471 Receipt Acknowledgment Letter (RAL) was sent to Rio Dell Elementary School District (the District) on January 29, 2009. The RAL listed allowable clerical and ministerial error corrections to the Form 471 and indicated that the deadline for submitting such corrections was February 18, 2009. On June 25, 2009 during PIA review, the District requested an increase in the discount rate. This request could not be processed because it was received after the RAL-correction submittal deadline, and increasing the discount rate after said deadline is tantamount to requesting funds not included on the original Form 471. On appeal, corrections can not be made to the Form 471 once an application has been committed unless there was an error on the part of USAC; you have failed to provide such evidence.

- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order).* As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. *See SLD Section of USAC web site, Reference Area, "Bishop Perry Order, List of Ministerial and Clerical Errors" at [www.usac.org/sl](http://www.usac.org/sl).*
- Your appeal requests additional funds that were not included in the FCC Form 471 that you are appealing. FCC rules require that funding requests must be submitted via an FCC Form 471. *See 47 C.F.R. sec. 54.504(c).* New funding requests cannot be submitted through the appeals process. Considerations for funding requests depend on the date the FCC Form 471 is received and the amount of funds available if it is received after the close of the filing window. *See 47 C.F.R. sec. 54.507(g).* Consequently, USAC denies your appeal insofar as it requests funding that was not included in the FCC Form 471.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
 Universal Service Administrative Company

cc: Robert Beck

Robert Beck  
Education Consortium  
790 Newtown-Yardley Road  
Suite 410  
Newtown, PA 18940

Billed Entity Number: 144530  
Form 471 Application Number: 654733  
Form 486 Application Number:



Educational Consortium for  
Telecommunications Savings

August 28, 2009

## Appeal of FCDL Award – FY 2009-2010

### Sent to

Letter of Appeal  
Schools & Libraries Division – Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

### Contact Information

Robert Beck  
Education Consortium  
790 Newtown-Yardley Road, Suite 410  
Newtown, PA 18940  
267-352-0137 (voice)  
215-504-5047 (fax)  
[robertbeck@e-rate-ects.org](mailto:robertbeck@e-rate-ects.org)

### Basis for Appeal

Shared Discount Percentage for Rio Dell Elementary School District  
95 Center Street  
Rio Dell, CA 95562  
BEN 144530

Funding Year 2009-2010  
471 Application Number 654733

### Appealing the shared discount percentage

### Request

This is a timely appeal regarding the shared discount level for this application. In response to a written PIA Reviewer request, to verify the discount percentage for one of their two schools, we discovered that we had made a data entry error in reporting the student population data for the district. We are requesting that we be allowed to correct this error, which would increase the shared discount percentage from 77% to 90% for this application.

I am authorized by the school district to submit this appeal, and am the contact person on the original application.

**Explanation**

Rio Dell Elementary School District has two schools: Eagle Prairie ES & Monument MS. We had made a data entry error in completing the Block 4 information for the Eagle Prairie ES, but did not discover the error until last June when the PIA Reviewer requested that the school certify the NSLP data for the Monument MS (see Reviewer request & Block 4 data, attached).

The school submits an aggregate monthly NSLP data report to the state of California (student population plus free/reduced lunch) that covers both schools. Per the Reviewer's request on June 22, 2009, the Superintendent provided the correct NSLP data, breaking down the student information for each school. This was sent to the Reviewer on June 25, 2009, three days later (see attached). Based on this data, we discovered the Eagle Prairie MS e-rate discount percentage should be 90% instead of 70%. Note the correction, below:

Eagle Prairie ES	Total	F/R	F/R Percent	E-Rate Discount
Incorrect data – Block 4	187	73	39.037%	70%
Corrected data – Superintendent's letter	194	146	75.258%	90%

In responding to the Reviewer on June 25, we noted that the corrected data for the Eagle Prairie School justified a 90% discount percentage, which would then make the shared discount percentage for the district 90% instead of 77%. (See e-mail & memo, attached). When the FCDL was issued, however, no change was made.

This type of data entry error is correctable under the Bishop Perry Order provisions. In earlier reviews we've handled, since last March, these types of corrections were allowable during the PIA Review. By denying or ignoring this request, it is an unequal treatment of this application.

We maintain that this increase in discount percentage should be allowed within the terms of the Bishop Perry Order, which states that clerical errors may be corrected within 15 calendar days from receipt of notice in writing to amend a Form 471. This notice was given on June 22, 2009, and responded to within three days. (See attached – Order page 11, Section 23). Note it does not indicate that such corrections can only be made during the RAL deadline period.

**Conclusion**

Our request for an increase in the discount rate for the Eagle Prairie ES from 70% to 90%, and thus for an increase in the shared discount percentage from 77% to 90%, should be granted because:

1. This is an allowable data entry correction to Form 471, and has been permitted during earlier PIA Reviews this year.

2. Corrections of clerical errors of this type are allowed within 15 days notice in writing by a PIA Reviewer of the opportunity to amend a Form 471 application.
3. We responded to the Reviewer's request in a timely manner - within three days
4. Denial of the opportunity to correct this error constitutes an unequal treatment of this application during the FY 2009-2010 PIA Review process

Denial of this increase would cost the district about \$2,438 in e-rate funding, which will have a detrimental impact on the district and its students. It is within the spirit and intent of the E-rate program to fully fund expenses for eligible services, and we are requesting that the correction be allowed and the shared discount percentage increase be approved for this application.

Thank you for your consideration.

Robert Beck  
Education Consortium  
E-Rate Contact for Rio Dell ESD  
Certified Mail – Return Receipt # 7009 1410 0001 1544 5390

*Robert Beck*

**Authorized person information**

Mary Varner – Superintendent – 707-764-5694

Attachments: FCDL copy

PIA Reviewer written request for information dated June 22, 2009

School's response to request dated June 25, 2009

Copy of Form 471 Block 4 data

Copy of Bishop Perry Order page 11, Section 23



0 4 7 0 0 1 0 1 0

Entity Number 144530 Applicant's Form Identifier 12RioDellRB  
 Contact Person ROBERT BECK Phone Number 267-352-0137

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

**Block 2: Impact of Services Ordered on Schools**

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		287
b	Telephone service: Number of classrooms with phone service	26	26
d	Direct broadband services: Number of buildings served at the following speeds: Less than 10 mbps	2	2
e	Direct connections to the Internet: Number of drops	125	125
f	Number of classrooms with Internet access	26	26
g	Number of computers or other devices with Internet access	110	110

**Block 3: Impact of Services Ordered on Libraries**

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT.

*ORIGINAL INFORMATION*

Worksheet A No: 1049507 Student Count: 287  
 Weighted Product (Sum. Column 8): 220.9 Shared Discount: 77%

1. School Name: EAGLE PRAIRIE ELEMENTARY SCHOOL  
 2. Entity Number: 111194 NCES: 06 32730 05086  
 3. Rural/Urban: Rural  
 4. Student Count: 187 5. NSLP Students: 73 6. NSLP Students/Students: 39.037%  
 7. Discount: 70% 8. Weighted Product: 130.9  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: MONUMENT MIDDLE SCHOOL  
 2. Entity Number: 111195 NCES: 06 32730 05087  
 3. Rural/Urban: Rural  
 4. Student Count: 100 5. NSLP Students: 80 6. NSLP Students/Students: 80.000%  
 7. Discount: 90% 8. Weighted Product: 90  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

*\* PIA REVIEWER QUESTION*

**Block 5: Discount Funding Request(s)**

21. *North Dakota Petition for Reconsideration.* As part of this decision, we also grant a Petition for Reconsideration of an Order filed by the Information Technology Department of the State of North Dakota.<sup>58</sup> North Dakota mailed its FCC Form 471 certification after the deadline, but asserts that it did not understand when it needed to mail the certification after filing the application electronically.<sup>59</sup> In *North Dakota*, the Commission rejected North Dakota's arguments that a waiver of its filing requirements was warranted because of, *inter alia*, the complex nature of the application process and the detrimental effect the denial would have on the public schools and libraries in North Dakota.<sup>60</sup> The Commission stated that "the size and complexity of the application" did not establish good cause to waive the Commission's rules, and reiterated that all applicants are subject to the same filing rules, which are necessary for the program to be administered in an efficient and equitable basis.<sup>61</sup>

22. On reconsideration, we find that good cause exists to waive the deadline for filing the FCC Form 471. We now believe that, consistent with our reasoning above, a procedural violation should not have resulted in the rejection in North Dakota's entire application. Contrary to our earlier ruling, we note that our waiver standard allows us to consider hardship when analyzing whether particular facts meet the standard. We find here that denial of funding in this case would inflict undue hardship on the applicant. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements. Furthermore, we find that in this case, the applicant has demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>62</sup> For these reasons, we find that a waiver of our filing requirements is warranted, and we grant the Petition for Reconsideration filed by the Information Technology Department of the State of North Dakota.

23. *Additional Processing Directives for USAC.* As of the effective date of this Order, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications. Specifically, USAC shall inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors. USAC shall also inform applications promptly in writing of any missing or incomplete certifications. Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile their FCC Form 470, FCC Form 471 or associated certifications.<sup>63</sup> USAC shall apply this directive to all pending applications and appeals even if such applications or appeals are no longer within the filing window. The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to

NO  
MENTION  
OF REAL  
PROCESS -  
ONLY 15 DAYS

<sup>58</sup> *Application for Review of a Decision by the Wireline Competition Bureau, Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Dockets No. 96-45 and 97-21, Order, 18 FCC Rcd 21521 (2003).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*, 18 FCC Rcd at 21525-27, paras. 12, 17-18.

<sup>62</sup> See 47 U.S.C. § 254(h).

<sup>63</sup> Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC, however, shall continue to work beyond the 15 days with applicants attempting in good faith to amend their applications. This 15-day opportunity to refile or amend applications exists only where applicants have attempted to file their FCC Form 470 and FCC Form 471 within the filing window. If applicants miss the filing window entirely, they would need to file a request for waiver of the deadline with the Commission.

**Robert Beck**

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**From:** "PIATeam4" <PIATeam4@solixinc.com>  
**To:** "Robert Beck@1-215-504-5047" <IMCEAFAX-Robert+20Beck+401-215-504-5047@necaservices.com>  
**Cc:** "Robert Beck" <RobertBeck@e-rate-ects.org>  
**Sent:** Monday, June 22, 2009 12:05 PM  
**Attach:** 654733 # 2 15-Day\_Letter.doc  
**Subject:** E-Rate Additional Information Needed for Application 654733

Good morning Robert. I hope all is well with you today. Please read the following attachment. I will not be able to complete your application without the additional information. If you have any questions, please feel free to contact me. Thanks and have a great day.

John Muhammad  
USAC Schools and Libraries Division  
Cost Effectiveness Review  
Phone: 973-581-5113  
Fax: 973-599-6538  
E-Mail: [jmuhammad@sl.universalservice.org](mailto:jmuhammad@sl.universalservice.org)

INFORMATION  
PROVIDED TO  
REVIEWER WITHIN  
15-DAY WINDOW

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**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.*

Date: 6/22/09

Contact Name: ROBERT BECK  
Applicant Name: RIO DELL ELEM SCHOOL DISTRICT  
Contact Phone Number: (267) 3520137  
Application Number(s) 654733

**Response Due Date: July 8, 2009**

As we discussed in our conversation, we are 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. I am currently in the process of reviewing your Funding Year 2009 Form 471 Application. To complete my review I need some additional information. The information needed to complete the PIA Review is listed below.

**I. Based upon review of your FY2009 Form 471 application, we were not able to validate your requested discount percentage of 90% for MONUMENT MIDDLE SCHOOL. You may validate your requested discount percentage of 90%, by providing the appropriate documentation listed in one of the following options.**

**Option 1. If the school participates in a National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or chief school official, or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month. Make sure that the following 3 items are identified:**

- a. The Entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for Free/Reduced Lunch Program for the entity

**If the school district fills out an aggregate claim form for the school district, also provide a signed letter from a school official (preferably the Superintendent or chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the claim form.**

**Option 2. If the discount percentage was determined by information obtained from an income survey/application (National School (Free & Reduced) Lunch Application forms cannot be used as survey instruments), please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):**

- a. Total number of students enrolled
- b. Total number of surveys/applications sent out
- c. Number of surveys/applications returned
- d. Total number of students qualified for NSLP per the returned surveys/applications
- e. Are the surveys/applications and results kept on file.

**Provide a sample copy of a FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality. Be advised that in order for a survey to be acceptable it must contain the name of the family and students, the size of the family and the income level of the family.**

**A signed certification that reads:** "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a, of Block 4 of the Form 471."

Option 3: Provide a letter from your State Department of Education (on letterhead and signed) verifying the enrollment and the free and reduced figures are accurate.

Option 4: Provide a letter from the State Food/ Nutrition Service Authority officials (on letterhead and signed) verifying the enrollment and the free and reduced figures are accurate.

Option 5: If the discount was determined using a different method than what was identified above, please specify the survey method that was used and provide all relevant data.

Please fax or email the requested information to my attention. If you have any questions or if you require a further explanation of this request, 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. If you are unable to provide the requested information because your school has closed or will shortly close for summer break, let me know when you will be available to respond to these questions.**

Please advise me if the Contact Person on the application(s) has changed from that on the original application. This change must include the Form 471 application number(s) and be signed by the original application's Contact Person, the original application's Authorized Person or a school official (with name and title provided).

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) 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.

PIA Reviewer  
Program Integrity Assurance  
USAC, Schools and Libraries Division  
Phone: 973-581-5113  
Fax: 973-599-6538  
E-mail: [jmuhamm@sl.universalservice.org](mailto:jmuhamm@sl.universalservice.org)

## **FACSys<sup>®</sup> Fax Messaging Gateway**



*To:* Robert Beck

*From:* PIATeam4

*Fax Number:* 1-215-504-5047

*Subject:* E-Rate Additional Information Needed for

*Date:* June 22, 2009

*Pages:* 4

*Time:* 12:05:27 PM

**Note:**

Good morning Robert. I hope all is well with you today. Please read the following attachment. I will not be able to complete your application without the additional information. If you have any questions, please feel free to contact me. Thanks and have a great day.

John Muhammad

USAC Schools and Libraries Division

Cost Effectiveness Review

Phone: 973-581-5113

Fax: 973-599-6538

E-Mail: [jmuhamm@sl.universalservice.org](mailto:jmuhamm@sl.universalservice.org)

**Schools and Libraries Division**

Date: 6/22/09

Contact Name: ROBERT BECK  
Applicant Name: RIO DELL ELEM SCHOOL DISTRICT  
Contact Phone Number: (267) 3520137  
Application Number(s) 654733

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**I. Based upon review of your FY2009 Form 471 application, we were not able to validate your requested discount percentage of 90% for MONUMENT MIDDLE SCHOOL. You may validate your requested discount percentage of 90%, by providing the appropriate documentation listed in one of the following options.**

**Option 1. If the school participates in a National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or chief school official, or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month. Make sure that the following 3 items are identified:**

- a. The Entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for Free/Reduced Lunch Program for the entity

**If the school district fills out an aggregate claim form for the school district, also provide a signed letter from a school official (preferably the Superintendent or chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the claim form.**

Option 2. If the discount percentage was determined by information obtained from an income survey/application (National School (Free & Reduced) Lunch Application forms cannot be used as survey instruments), please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled
- b. Total number of surveys/applications sent out
- c. Number of surveys/applications returned
- d. Total number of students qualified for NSLP per the returned surveys/applications
- e. Are the surveys/applications and results kept on file.

Provide a sample copy of a FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the name of the family and students, the size of the family and the income level of the family.**

**A signed certification that reads:** "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a, of Block 4 of the Form 471."

Option 3: Provide a letter from your State Department of Education (on letterhead and signed) verifying the enrollment and the free and reduced figures are accurate.

Option 4: Provide a letter from the State Food/ Nutrition Service Authority officials (on letterhead and signed) verifying the enrollment and the free and reduced figures are accurate.

Option 5: If the discount was determined using a different method than what was identified above, please specify the survey method that was used and provide all relevant data.

Please fax or email the requested information to my attention. If you have any questions or if you require a further explanation of this request, 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. If you are unable to provide the requested information because your school has closed or will shortly close for summer break, let me know when you will be available to respond to these questions.**

Please advise me if the Contact Person on the application(s) has changed from that on the original application. This change must include the Form 471 application number(s) and be signed by the original application's Contact Person, the original application's Authorized Person or a school official (with name and title provided).

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) 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.

PIA Reviewer  
Program Integrity Assurance  
USAC, Schools and Libraries Division  
Phone: 973-581-5113  
Fax: 973-599-6538  
E-mail: [jmuhamm@sl.universalservice.org](mailto:jmuhamm@sl.universalservice.org)

RIO DELL

**Robert Beck**

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**From:** "Robert Beck" <RobertBeck@e-rate-ects.org>  
**To:** "PIATeam4" <PIATeam4@solixinc.com>  
**Sent:** Thursday, June 25, 2009 4:05 PM  
**Attach:** NSLP Statement.pdf  
**Subject:** E-Rate Additional Information Needed for Application 654733 - Rio Dell

John -

The school submits an aggregate school lunch claim form to the state of California, and I've attached a breakdown from October 2008.

Note that with this breakdown, both schools may actually qualify for a 90% discount rate. The school calculated the Eagle Prarie rate as 82%, but it's actually 75.3%.

I'll be out of the office between Friday, June 26 and Friday, July 3, returning on Monday, July 6.

Bob Beck  
Education Consortium  
267-352-0137  
215-504-5047 (fax)

6/25/2009



# Rio Dell Elementary School District

95 Center Street • Rio Dell, California 95562-1399

MARY VARNER, SUPERINTENDENT

CHRIS BYRNE, PRINCIPAL

EAGLE PRAIRIE ELEMENTARY SCHOOL  
707/764-5694  
FAX 707/764-2656

MONUMENT MIDDLE SCHOOL  
707/764-3783

riodell@humboldt.k12.ca.us

June 23, 2009

To Whomever:

Rio Dell Elementary School District participates in the NSLP program, and combines the NSLP student enrollment count for both schools when reporting to the state of California. This is to certify that for the school year 2008-2009, we had the following student population count distribution for the schools listed below for the District for October 2008.

School	Total Nr Students	Total F/R	Percentage
Monument MS	100	79	79
Eagle Prairie ES	194	146	82
Totals	294	225	

Sincerely,

Mary Varner  
Superintendent

Note: Please submit by the claim submission target date of the 10<sup>th</sup> of the month following the month claimed. All claims must be postmarked the 20<sup>th</sup> day of the second month following the month claimed to be considered for payment.

# Claim for Reimbursement School Nutrition Programs

CNFS 71-5 (06/05)

Return To: California Department Of Education  
Child Nutrition Fiscal Services  
1430 N Street, Suite 2213  
Sacramento, Ca 95814

Refer to the claim instruction booklet for detailed instructions.

If label is not available, type or print agreement number (county, district, school, and sub codes), name, and address in the space provided.

All claims must be submitted with a copy.

County	District Code	School Code	Sub Co
12	63008	0000000	

Name Of Participant DELL ELEMENTARY SCHOOL DISTRICT	Address 95 CENTER ST		City RIO DELL	Zip Code 95562
Month/Year / 2008	STATE USE ONLY		8. Number Of Pints Of Fluid Milk Purchased This Month	9. Total Cost Of Fluid Purchased This Month
3. <input checked="" type="checkbox"/> a. Original Claim <input type="checkbox"/> b. Adjusted Claim	4. ADJUSTMENT CODE	5. REASON CODE	6. Number Of Children Approved To Receive Free Meals Or Milk 180	7. Number Of Children Approved To Receive Reduced Price Meals 45

PART I - MONTHLY REPORT		MEAL SUPPLEMENT ELIGIBILITY DATA		10. Number Of Children Approved For Free Meal Supplements	11. Number Of Children Approved For Reduced Price Meal Supplements		
Report items 12 through 16a monthly.							
	A. Authorized Sites Participating	B. Enrollment	C. Number Of Operating Days	D. Paid Meals Or Special Milk Served	E. Free Meals Or Special Milk Served	F. Reduced Price Meals Served	G. Total Meals Or Special Milk Served
National School Lunch (Program A)	1	294	23	973	3483	910	5366
Basic School Breakfast (Program B)							
Especially Needy School Breakfast (Program C)	1	294	23	77	1052	237	1366
Special Milk (Program D)							
Meal Supplements (Snacks) (Program E) INCLUDE AREA ELIGIBLE COUNTS	1	67	23		1488		1488
16a. Area Eligible Meal Supplements (For Information Only)	1	67			1488		

**PART II - REVENUE** Report items 17 through 26 annually. Participants in School Lunch, Basic Breakfast, Especially Needy Breakfast, and/or Meal Supplement Programs must report annual revenue and costs on the June claim. All monetary figures in the claim must be rounded to the nearest whole dollar. Please refer to the claim instruction booklet for more detailed information. Yearly cost and revenue totals for the Summer Seamless Feeding Waiver sites must be included in the totals.

	H. Daily Sales (Actual Receipts)	I. Federal Reimbursement	J. State Reimbursement	K. Needy Meal Tax/ Rev. Add-On	L. Other	M. Total (Columns H Through L)
National School Lunch (Program A)						
Basic School Breakfast (Program B)						
Especially Needy School Breakfast (Program C)						
Meal Supplements (Program E)						
Miscellaneous Food Service						
TOTAL (Lines 17 through 21)						

<b>PART III - COST INCURRED</b>	23. Food	24. Labor	25. Other	26. Total Costs
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CERTIFICATION: I certify to the best of my knowledge this claim is true and correct in all details, that the records are available to support this claim, that this claim is in accordance with the terms of existing School Nutrition Program agreement(s), and that I have not received payment for this claim.	Name Of Person Preparing Claim Sue Maytanes	Telephone Number Ext#( ) 707-764-5894	E-mail Address riodell@humboldt.k12..ca.us
	Original Signature Of Authorized Official	Title Of Authorized Official District Secretary	Date 10-06-08

STATE



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

July 14, 2009

ROBERT BECK  
RIO DELL ELEM SCHOOL DISTRICT  
790 NEWTOWN-YARDLEY RD., SUITE 410  
NEWTOWN, PA 18940

Re: Form 471 Application Number: 654733  
Billed Entity Number (BEN): 144530  
Billed Entity FCC RN: 0011928280  
Applicant's Form Identifier: 12RioDellRB

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, \$14,439.04 is "Approved."

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 654733 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. 02-8 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: RIO DELL ELEM SCHOOL DISTRICT  
BEN: 144530  
Funding Year: 2009

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

Form 471 Application Number: 654733  
Funding Request Number: 1793904  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 193390000697518  
SPIN: 143025240  
Service Provider Name: ATT Mobility  
Contract Number: MTM  
Billing Account Number: 002-0177844-0  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2009  
Service End Date: 06/30/2010  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1049507  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$552.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$552.00  
Discount Percentage Approved by the USAC: 77%  
Funding Commitment Decision: \$425.04 - ERN approved as submitted  
Funding Commitment Decision Explanation: MR1: In consultation with the applicant, the service provider has been changed to AT & T Mobility SPIN number 143025240.  
<><><><> MR2: According to Bishop Perry Order, applicants have an opportunity to correct certain clerical and ministerial errors they may have made when completing the Form 471 application during the RAL allowable period (date of the RAL + 20 days). Your request was received after the allowable correction period and therefore your change request was not implemented.

FCDL Date: 07/14/2009  
Wave Number: 012  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

→ FCDL comment about RAL window

FUNDING COMMITMENT REPORT  
Billed Entity Name: RIO DELL ELEM SCHOOL DISTRICT  
BEN: 144530  
Funding Year: 2009

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

Form 471 Application Number: 654733  
Funding Request Number: 1793911  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 149100000634490  
SPIN: 143002665  
Service Provider Name: Pacific Bell Telephone Company  
Contract Number: N/A  
Billing Account Number: c60-222-2456-444  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2009  
Service End Date: N/A  
Contract Award Date: 01/15/2008  
Contract Expiration Date: 01/29/2012  
Shared Worksheet Number: 1049507  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$16,200.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$16,200.00  
Discount Percentage Approved by the USAC: 77%  
Funding Commitment Decision: \$12,474.00 - FRN approved as submitted

FCDL Date: 07/14/2009  
Wave Number: 012  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

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FUNDING COMMITMENT REPORT  
Billed Entity Name: RIO DELL ELEM SCHOOL DISTRICT  
BEN: 144530  
Funding Year: 2009

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

Form 471 Application Number: 654733  
Funding Request Number: 1793919  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 149100000634490  
SPIN: 143027372  
Service Provider Name: SCHOOLWIRES INC.  
Contract Number: N/A  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2009  
Service End Date: N/A  
Contract Award Date: 12/17/2007  
Contract Expiration Date: 06/30/2013  
Shared Worksheet Number: 1049507  
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: \$2,000.00  
Pre-discount Amount: \$2,000.00  
Discount Percentage Approved by the USAC: 77%  
Funding Commitment Decision: \$1,540.00 - FRN approved as submitted

FCDL Date: 07/14/2009  
Wave Number: 012  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010