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February 12, 2009

Request for Review
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Request for Review – Howard County Public Schools
Application No. 591458 (Form 471, Funding Year 2008)
Billed Entity No. 126366
Funding Request No. 1756000
CC Docket No. 02-6

Federal Communications Commission Officer:

This Request for Review addresses the Schools and Libraries Division's (SLD) decision to deny an appeal regarding funding for Funding Request No. (FRN 17560000) requested on the above-referenced FCC Form 471 (Application No. 591458) submitted by E-Rate Elite Services, Inc. on behalf Howard County Public Schools ("HCPS").¹ The September 8, 2009 Funding Commitment Decision Letter (FCDL) denied the aforementioned FRN and provides the following explanation: "The Contract Award Date was changed from 2/7/2008 to 3/7/2008 agree with the applicant documentation. No contract was in place when the Form 471 certification was filed."

As indicated, during PIA review, the products and services associated with FRN 1756000 are being purchased from a state master contract (MiCTA). Pursuant to the USAC reference area regarding state master contracts:

*"The signed state master contract between the state and the service provider meets the FCC signed contract requirement."*²

The Verizon bid and award for the OC-3 services posted on Form 470# 580560000633560 was based on a MiCTA state master contract. This contract was competitively bid and made available to MiCTA members. It is HCPSS' understanding that by utilizing the MiCTA state master contract they had met the FCC signing requirements as defined above.

¹ Funding Commitment Decision Letter from Schools and Libraries Division, Universal Service Administrative Company, to HCPS, c/o Garnet Person (dated September 8, 2009).

² USAC Website, Retrieved February 24, 2009, *Filing the Form 470 (If the applicant files a Form 470)*
<http://www.usac.org/sl/applicants/step04/contract-guidance.aspx>

As a result of the HCPSS selection and usage of a state master contract, the a contract award date was added to their Form 471, accordingly. Pursuant to the USAC reference area regarding state master contracts:

“the applicant should record its decision to purchase off the state master contract after the bidding process is complete and to record the date of this memorialization as the Contract Award Date on the Form 471”³

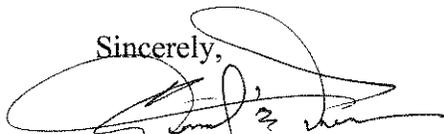
The HCPSS reported and recorded their selection on their FCC Form 471 prior to the FY 2008 filing window’s closing by indicating an award date of February 6, 2008. As a result of the Form 471 electronic filing, the reported and recorded contract award date was immediately memorialized and made public to all interested parties once submitted to the USAC website.

The participation agreement signed on March 6, 2008 was provided in the spirit of full disclosure of all documents related to the funding request. However, this document was pursuant to implementation for which the USAC has advised that subsequent provisions or requirements, as set forth by the contract, must be met by the applicant. As noted on the USAC website regarding state master contracts:

“If the state master contract requires the issuance of purchase orders or contains other requirements for applicants, the applicants must meet those requirements.”⁴

Accordingly, HCPSS executed the participation agreement in accordance with the terms and conditions of the underlying MiCTA master contract. At the time of filing, HCPSS had complied with all state master contracting guidelines as set forth above. Therefore, based on the foregoing, we respectfully request that SLD grant this appeal and fund the aforementioned FRN listed on HCPS’ application under the established policies and procedures for evaluating applications during Funding Year 2008.

Sincerely,



Garnet E. Person
CEO, E-Rate Elite Services, Inc.

³USAC Website, Retrieved February 24,2009, *Reporting the Contract Award Date for state master contracts*, <http://www.usac.org/sl/applicants/step04/contract-guidance.aspx>

⁴USAC Website, Retrieved February 24,2009, *Purchase orders or other state master contract requirements for applicants*, <http://www.usac.org/sl/applicants/step04/contract-guidance.aspx>