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

In the matter of:

	)	
Request for Review (Appeal), of	)	
Decision of the Universal Service Administrator	)	Administrator Correspondence Dated
And Waiver	)	November 24,2010
	)	
For DOOLY COUNTY SCHOOL SYSTEM	)	
BEN (127450)	)	
Vienna, Georgia	)	CC Docket No. 02-6
	)	File No: GA646FCC0502

To: Chief, Wireline Competition Bureau

Request for Review and Waiver

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, by way of its agent, C. Scott Nutgrass, now comes Dooly County School System before the Federal Communications Commission (FCC) to request a review (appeal), of a decision issued by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) and a waiver of the commission's rules. This request comes timely submitted within 60 days of the Administrator decision.

C. Scott Nutgrass
Universal Funding Consultants, Inc.
301-9 Club Villa Court
Kathleen, GA 31047
866.490.3688
Agent of Record for Dooly County School System

Applicant:	**Dooly County School System**
Billed Entity Number:	**127450**
FCC Registration Number:	**0005440607**
Funding Year:	**2005**
Form 471 Number:	**482677**
Funding Request Number:	**1344773**

Dated: 24-Jan-2011

In correspondence dated 24-Nov-2011, the Administrator provided a Funding Commitment Adjust Report for Form 471 Application 482677, FRN 1344773, ***Attachment GA646FCC0502_A***. The Administrator is seeking recovery of $36,000.00.

Specifically, the Administrator identified an issue with the response date included in the applicant's RFP associated with FCC Form 470 598430000537497. The allowable contract date according to the Form 470 was 02/16/2005. The date for vendor response included in the applicant's RFP document was 02/11/2005. The applicant formally contracted for services on 02/16/2005.

The Administrator has stated that since the vendor responses "*were due before the Form 470 for those same services had been posted for 28 days, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.*"

The Administrator's discovery of this issue has come approximately 18 months after the applicant participated in a compliance attestation examination with the program's agent, Grant Thorton. During the course of the on-site examination and in subsequent communications with the auditors, the issue of a 28-day rule violation was never identified nor discussed.

The applicant did in fact contract 28 days after the posting and did not intend to circumvent any competitive bidding requirements. Moreover, the applicant fully engaged in a competitive bidding process for services which were funded. The procurement agent for the district actively communicated with multiple service providers. This communication included providing the RFP to requestors, answering questions concerning the RFP, scheduling site visits by interested parties, receiving responses to the RFP, and seeking clarification on vendor responses to the RFP. No party interested in responding to the applicant's request for proposal requested additional time for response and no party was excluded from consideration based on a response date.

Currently, the program's administrator is actively providing outreach to stakeholder's surrounding the competitive bidding process and clarification on program rules and expectations regarding timelines for the 28-day window. This educational outreach emphasizes the connection between the 28 Day Rule with the form 470 and the applicant's RFP. This outreach effort demonstrates an understanding from the Administrator that some ambiguity existed among program participants regarding this process. The outreach, unfortunately, is taking place after the time period for which the applicant's affected applications are being rescinded.

There is no evidence that the applicant engaged in waste, fraud, or abuse. In addition, there is no evidence that Dooly County School System intended to participate in an activity which would violate core program requirements. All funding sought, awarded, and disbursed was used for appropriate purposes and significantly enhanced the advancement of the district's instructional technology goals.

Given the minimal discrepancy between the applicant's documented response date, the fact that the applicant did contract after 28 days, and no interested service providers were prohibited from participation or bid evaluation, a waiver of the 28 day rule would be just and desired. The applicant engaged in a process that it felt was in full compliance with guidance provided at the time from the program administrator. Strict adherence and enforcement of the Administrator's decision will be financially devastating to a school district which is servicing a rural and economically disadvantaged population.

Dooly County School System, respectfully requests that the Commission review the facts of the Administrator's decision and provide a waiver of the rule for FY2005 application number 482677. In this specific case, enforcement of the rule for a minor procedural error would be inconsistent with the purpose of section 254(h).

Respectfully Submitted this 24th Day of January 2011,

C. Scott Nutgrass
Universal Funding Consultants, Inc.
2907-I Watson Blvd.
Warner Robins, GA 31093
Tel: 866.490.3688
Fax: 877.507.8465
scott@fundingtechnology.com

Agent of Record for Dooly County School District

cc:
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

Dr. Grady Miles
Dooly County School System
202 E. Cotton Street
Vienna, GA 31092 1550

Maruice Luther King Jr., Esq.
The Law Offices of Maurice Luther King, Jr., P.C.
P.O. Box 72071
Albany, GA 31708-2071

Charles Smith
Micro Technology Consultants, Inc.
132 Osigian Blvd.
Suite 200
Warner Robins, GA 31088

USAC
Universal Service Administrative Company

Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

December 03, 2010

Denise Bauer
DOOLY COUNTY SCHOOL SYSTEM
202 E COTTON ST
VIENNA, GA 31092 1550

Re: Form 471 Application Number:	482677
Funding Year:	2005
Applicant's Form Identifier:	Dooly-2005-Internal Connections
Billed Entity Number:	127450
FCC Registration Number:	0005440607
SPIN:	143005461
Service Provider Name:	Micro Technology Consultants, Inc.
Service Provider Contact Person:	Charles Smith

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

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

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received 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 email address (if available) for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
•Billed Entity Name,
•Form 471 Application Number,
•Billed Entity Number, and
•FCC Registration Number (FCC RN) from the top of your letter.

3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a 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 us on paper, send your appeal to:

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

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on 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.

Attachment GA646FCC0502_A

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Charles Smith
Micro Technology Consultants, Inc.

Attachment GA646FCC0502_A

Funding Commitment Adjustment Report for
Form 471 Application Number: 482677

Funding Request Number:	1344773
Services Ordered:	INTERNAL CONNECTIONS MNT
SPIN:	143005461
Service Provider Name:	Micro Technology Consultants, Inc.
Contract Number:	Dooly2005
Billing Account Number:	2292684761
Site Identifier:	127450
Original Funding Commitment:	$36,000.00
Commitment Adjustment Amount:	$36,000.00
Adjusted Funding Commitment:	$0.00
Funds Disbursed to Date	$36,000.00
Funds to be Recovered from Applicant:	$36,000.00

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2005 FCC Form 470 598430000537497 you stated that you issued a request for proposal and certified that you made your Form 470 and your RFP available for at least 28 days prior to considering all bids received and selecting a service provider. During the course of an audit it was determined that the bidders responses to the RFP for the services requested were due before the Form 470 for those same services had been posted for 28 days. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a service provider, entering into an agreement or signing a contract, and signing and submitting a Form 471. Additionally, the rules require that the applicant submits a complete description of services, which should also be available for 28 days for competing providers to evaluate. Your complete description of services in a form of a Request for Proposal was made available on 1/19/2005, with a response deadline of 2/11/2005. Your Form 470 for the services requested was posted on 1/19/2005, which resulted in the Allowable Contract Date (earliest date upon which they could sign a contract or enter into an agreement) of 2/16/2005. Since responses to the RFP for the services requested were due before the Form 470 for those same services had been posted for 28 days, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.