West Harvey – Dixmoor School District #147

191 W. 155th Place
Harvey, Illinois 60426-3426

February 17, 2011

Letter of Appeal

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No 02-6

Request for Review of Universal Service Administrative Company, Schools and Libraries Division (SLD) Administrator's Decision on Appeal, letters dated December 20, 2010, re West Harvey-Dixmoor P S D 147, Form 471 Application Numbers 687578 and 687588

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Application Information

Entity: West Harvey – Dixmoor School District #147
Billed Entity Number: 135538
Funding Year: FY12 (2009-2010)

Form 471 Application #	Funding Request Number	Funding Commitment Request
687578[1]		
	1882551	$79,429.03
	1882553	$14,364.00
	1903523	$3,564.00
687588[2]		
	1882578	$36,990.00
	1882585	$20,520.00
Total Funding Commitment Request		$154,867.03

Documents Being Appealed: Administrator's Decision on Appeal, letters dated December 20, 2010, for 471 #s 687578 and 687588[3]

Decision on Appeal: (same for both letters): *Denied*[4]

[1] FCC Form 471 # 687578, funding year 7/1/2009 – 6/30/2010, posted and certified on 2/12/2009 by West Harvey – Dixmoor School District #147.

[2] FCC Form 471 # 687588, funding year 7/1/2009 – 6/30/2010, posted and certified on 2/12/2009 by West Harvey – Dixmoor School District #147.

[3] Letters from Schools and Libraries Division, Universal Service Administrative Company, to Richard Larson, eRate 360 Solutions (consultant for West Harvey–Dixmoor School District #147), dated December 20, 2010, Administrator's Decision on Appeal (ADL), for 471 #s 687578 and 687588.

[4] Ibid., p. 1.

Explanation (same for both letters): *According to our records, West Harvey–Dixmoor School District #147 cited FCC Form 470: 166110000705713 on Block 5, Item 12 of the FCC Form 471. The record also shows that during a Special Compliance review, USAC determined that West Harvey–Dixmoor School District #147's authorized contact (Sharlyne Williams), had indicated a bid deadline date of February 6, 2009, which is prior to the Allowable Contract Date of February 10, 2009. On appeal, West Harvey–Dixmoor School District #147 failed to provide evidence that the West Harvey–Dixmoor School District #147 has complied with this support mechanisms bidding requirements, or that USAC has erred in its initial decision. Consequently, USAC denies the appeal.*[5]

Appeal:

West Harvey – Dixmoor School District #147 (West Harvey) respectfully requests the Commission to reverse the SLD decision denying funding to FRNs 1882551, 1882553, 1903523, 1882578, and 1882585, and to approve the requested funding of $154,867.03. The contact person for West Harvey, inexperienced in E-rate procedures, emailed a very limited number of potential bidders in an effort to encourage them to submit proposals; however, as we will explain below, she in no way restricted the fair and open bidding process prior to or after the Allowable Contract Date.

Background:

On January 13, 2009, the contact person for West Harvey, Sharlyne Williams, submitted West Harvey's FY 2009-10 Form 470 # 166110000705713, requesting bids on a number of services and products in all four service categories. By February, Ms. Williams had decided not to purchase several services: email, web hosting, internal connections, and basic maintenance of video network.

In early February of 2009, Ms. Williams was concerned over the relatively few bids received to date in response to the Form 470. As of Tuesday, February 3rd, Ms. Williams had been contacted by eleven vendors[6]; however, of these, three (Telcom Innovations Group (TIG), ID Solutions, and Net56) were either interested in bidding on the services Ms. Williams had decided not to purchase or had not specified a service. Of the other eight vendors, only four bids had been submitted by three vendors for the services in the denied FRNs:

- FRN 1882551: Local telephone service – one (Proficient Telecom)
- FRN 1882553: Cellular service – none
- FRN 1903523: Long distance telephone service – none
- FRN 1882578: Basic maintenance of data network – two (Morgan, Birge & Associates and Dr. Computer)
- FRN 1882585: Basic maintenance of telecomm network – one (Morgan, Birge & Associates)

Ms. Williams was faced with the prospect of either having little or no choice in selecting vendors to provide these services, or having to review numerous last-minute bids during the three working days between the February 10th Allowable Contact Date and the February 12th close of the 471 window. In an effort to encourage prompt responses from potential

[5] Ibid., p. 1.

[6] Emails between West Harvey and several vendors, and bid documents from several vendors, relating to services listed on Form 470 # 166110000705713, dated between 12/22/2008 and 2/3/2009. *Note: Documents are sorted and labeled by vendor alphabetically for each FRN.*

bidders, the E-rate consultant hired by West Harvey, Jane Kratochvil, provided Ms. Williams with an email template to send to potential bidders.[7]

By the evening of Thursday, February 5, 2009, Ms. Williams had received only two additional bids (from Osineo Network Services for BMIC of Data Network, and Matt-Tel Telephone Service for BMIC of Telecomm Network), so she decided to proceed with Ms. Kratochvil's plan to encourage other vendors who had already contacted West Harvey.

Using the template provided by Ms. Kratochvil, at approximately 8 PM Thursday, February 5, 2009, Ms. Williams emailed four potential bidders in an effort to obtain additional bids, emailing only those vendors who had previously contacted West Harvey but had not as yet submitted bids. The email recipients are listed below[8] with prior correspondence referenced parenthetically:

- US Telecom Group (1/31/09 email – interest in local telephone service)
- GraphTech Systems (1/16/09 email – interest in BMIC of telecomm network)
- Telcom Innovations Group (TIG) (12/22/08 email - no specific service mentioned)
- ID Solutions (1/26/09 email – interest in BMIC of video network)

One of these vendors, Telcom Innovations Group (TIG), expressed interest in bidding on internal connections, which Ms. Williams had decided not to purchase. Two others, US Telecom Group and GraphTech Systems, had not responded to Ms. Williams' phone calls made in January in response to their emails; neither responded to her February 5th email. Finally, no response was received from ID Solutions, a vendor who had expressed interest in BMIC of video network, a service Ms. Williams had already decided not to purchase.

Ms. Williams excluded four vendors from her encouragement email list: three vendors (Illinois Bell Telephone Co., U.S. Cellular, and SBC Long Distance, LLC) who had contacted Ms. Williams after February 3rd and were actively preparing bids, and one vendor (Net56) who was interested in bidding only on email and web hosting, services Ms. Williams had decided to not to purchase.

Unfortunately, the language suggested by the consultant, Ms. Kratochvil, was interpreted by SLD reviewers as truncating the 28-day waiting period. In point of fact, Ms. Williams did not cut that process short:

- One bid was received on February 6th, from U.S. Cellular (cellular service).
- Two bids were received on February 11th, from Illinois Bell Telephone (local telephone service) and SBC Long Distance (long distance telephone service),.
- Ms. Williams emailed Wahaya[9] on February 9th advising them that West Harvey had decided to not to purchase email and web hosting, services.
- Ms. Williams emailed T-Mobile, the incumbent cellular service provider, on February 11th because they had not submitted a bid. T-Mobile declined to bid.[10]

All potential bidders were allowed more than 28 days to contact West Harvey; no bidder had its bid turned away for submitting after February 6th. Ms. Williams waited until February 12th to complete bid evaluations and prepare vendor selection matrices. Both the final acceptance of bids and the bid evaluations took place subsequent to the Allowable Contract Date of February 10, 2009, for the establishing Form 470 # 166110000705713, fully in accordance with E-rate regulations.

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[7] Email from Jane Kratochvil, consultant at Infinite Connections, to Sharlyne Williams, West Harvey, dated February 5, 2009, 10:57 AM, subject "West Harvey-Dixmoor PSD 147 Form 470 posting". *Note that this is a re-transmittal of Ms. Kratochvil's February 3, 2010 email.*

[8] Emails from Sharlyne Williams, West Harvey, to four vendors, dated February 5, 2009. *Note: Emails are labeled by vendor.*

[9] Emails from Sharlyne Williams, West Harvey, to Chad Odoni, Wahaya, dated February 9th.

[10] Email exchange between Sharlyne Williams, West Harvey, and T-Mobile, dated February 11th.

FCC Ruling: *Aberdeen School District* and *Albert Lea Area Schools*:

It is clear that Ms. Williams did not discourage any potential bidders from submitting bids – a number of those that had been in touch with her did submit bids, and only potential bidders who had already communicated with Ms. Williams ever received the email in question. Ms. Williams is guilty of failing to understand the nuances of the E-rate system and the interpretation her email would receive from an SLD reviewer. This is knowledge that the E-rate consultant was hired to provide; Ms. Williams' reliance in this consultant set up a situation that could be misunderstood by the SLD reviewers. Regardless, Ms. Williams' actions do not rise to the level of violation of E-rate rules; they certainly do not indicate waste, fraud, or abuse, and should not cause West Harvey to be denied $154,867 of badly needed E-rate funds.

West Harvey refers the Commission to the *Aberdeen* ruling,[11] in which the Commission permits minor violations of the 28-day waiting rules so long as there was no impact on the opportunity for potential bidders to submit bids. We point out that, unlike some of the successful appellants in *Aberdeen*, West Harvey respected the full 28-day waiting period; the email in question gave only the <u>appearance</u> of violation of this policy.

West Harvey respectfully points out that loss of such a large amount of funding will severely impact the district's finances, a district in which 92% of the students qualify for free and reduced lunches.[12] With the State of Illinois making massive cuts to districts and with districts forced to lay off roughly 20,000 employees, more than half of whom are teachers,[13] denial of nearly $155 thousand of funds on a procedural matter will "*create undue hardship and prevent these potentially otherwise eligible schools … from receiving E-rate funding*."[14]

As the FCC has stated in numerous findings starting with the *Bishop Perry* ruling in May 2006, the denial of funding based on violation of purely clerical or ministerial procedures is not in the interest of the general public. In West Harvey's case, denial of funds on such incidental grounds when there is no evidence of waste, fraud, or abuse will create undue hardship utterly out of proportion to the error.

FCC Ruling: *Alpaugh Unified School District, Alpaugh, CA, et al*:

West Harvey calls the Commission's attention to an important underlying factor – the lack of E-rate knowledge on the part of Ms. Williams, her reliance on an E-rate consultant for such knowledge, and the failure of the consultant to provide competent advice. Ms. Williams was the Business Manager for West Harvey, and was not a dedicated E-rate or fund raising professional. This was only the second funding year that Ms. Williams was involved with the E-rate application process. In FY 2008-09, a former staff member was responsible for the details of the process; with the departure of that staff person, Ms. Williams hired a consultant, Ms. Kratochvil, in an attempt to cope with the complexities of the E-rate system. As is clearly explained above, Ms. Williams was poorly served by the consultant in this crucial instance, creating a perception that West Harvey was out of compliance with E-rate rules, leading to denial of the five FRNs.

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[11] FCC 07-63, May 8, 2007, "Aberdeen School District, Aberdeen, WA, et al.", File Nos. SLD- 297249, et al., CC Docket No. 02-6.

[12] Per Block 4 of Form 471 # 687578, the total NSLP Students for the district's schools is 1,303 and total enrollment is 1,418, yielding a percentage of NSLP Students for the district of 91.89%.

[13] Article posted on The Huffington Post (www.huffingtonpost.com) on March 28, 2010.

[14] FCC "Aberdeen" ruling, p.7.

West Harvey respectfully refers the Commission to the *Alpaugh* decision in which the FCC allowed that a "*staffing problem*" (which in Alpaugh USD's case as well as West Harvey's case was an errant E-rate consultant) leading to a "*procedural error*" and "*not a failure to adhere to a core program requirement or a misuse of funds*" was not sufficient cause for denial of funds.[15] As we stated and documented above, West Harvey only strayed from E-rate procedures in relatively minor procedural and documentation matters, and was certainly did not engage in any acts of waste, fraud, or abuse.

Other Denial Reasons in SLD's Funding Commitment Decision Letters for Form 471 Application Numbers 687578 and 687588, Issued on March 23, 2010:

In West Harvey's May 24, 2010 appeal letter to SLD, two additional denial reasons from SLD's March 23, 2010 FCDL were addressed:

> **"The vendor selection documentation provided was created after the Form 471 certification was filed. The vendor evaluation documentation must be completed prior to the certification of the Form 471."**
> **[Applied to FRNs 1882551, 1882578, and 1882585; funding denial: $136,939]**[16,17]
>
> ***"The applicant did not respond to potential bidders with sufficient additional information in order for them to submit a viable bid prior to the bid closing which prevented fair and open competition and violated program rules."***
> **[Applied to FRNs 1882578 and 1882585; funding denial: $57,510]**[18]

Neither of these denial reasons is addressed in SLD's December 20, 2010 ADL. West Harvey assumes that SLD has accepted our refutations of these two denial reasons in our May 24, 2010 appeal letter,[19] and has dropped both. We ask the Commission to be aware that if either of these denial reasons is raised, we maintain the validity of our refutations in the May 24th appeal letter.

Conclusion:

West Harvey – Dixmoor School District #147 (West Harvey) respectfully requests the Commission to reverse the SLD decision to deny funding to FRNs 1882551, 1882553, 1903523, 1882578, and 1882585, and to approve the requested funding of $154,867.03. The contact person for West Harvey, inexperienced in E-rate procedures, emailed a very limited number of potential bidders in an effort to urge them to submit proposals; however, as we explained above, she in no way restricted the fair and open bidding process prior to or after the Allowable Contract Date.

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[15] FCC 07-36, March 28, 2007, "Alpaugh Unified School District, Alpaugh, CA, et al.", File Nos. SLD-523576, et al., CC Docket No. 02-6; p. 3.

[16] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sharlyne Williams, West Harvey – Dixmoor School District #147, dated March 23, 2010, Funding Commitment Decision Letter (FCDL), Form 471 Application Number: 687578, pg. 3.

[17] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sharlyne Williams, West Harvey – Dixmoor School District #147, dated March 23, 2010, Funding Commitment Decision Letter (FCDL), Form 471 Application Number: 687588, pgs. 3-4.

[18] Ibid.

[19] Letter from Richard Larson, consultant for West Harvey, to SLD, dated May 24, 2010, re: "Appeal of Funding Commitment Decision Letters – Funding Year 2009, Form 471 Application Numbers 687578 and 687588, Issued on March 23, 2010", pgs. 3-5.

West Harvey appreciates the Commission's consideration of its appeal. We are available to respond to questions or to provide any further information requested by the Commission.

Authorized signature for this Appeal[20]

Richard Larson

Date: 2/17/11

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054
Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com

[20] "Letter of Agency" from Sharlyne Williams, Business Manager of West Harvey – Dixmoor School District #147, authorizing employees of eRate 360 Solutions, LLC, to perform E-rate services on behalf of West Harvey.

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 1,12 - WHarvey_FY12_471_687578_app-curr

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create your own code to identify THIS form 471): YR12-471-Teleco1

Form 471 Application# (To be assigned by administrator): 687578

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a	Name of Billed Entity	WEST HARVEY-DIXMOOR P S D 147	
2 a	Funding Year: July 1,	2009 Through June 30: 2010	Billed Entity Number:135538
4 a	Street Address, P.O. Box, or Routing Number	191 W 155TH PL	
	City	HARVEY	
	State	IL	Zip Code 60426
5 a	Type of Application	☐ Individual School (individual public or non-public school) ☑ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) ☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA) ☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities)	
6	Contact Person's Name	Sharlyne Williams	

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

b	Street Address, P.O. Box, or Routing Number	191 W 155TH PL	
	City	HARVEY	
	State	IL	Zip Code 60426

0 4 7 0 0 1 0 1 0

Entity Number: 135538 Applicant's Form Identifier: YR12-471-Teleco1
Contact Person: Sharlyne Williams Phone Number: 708-339-9500

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		1418
b	Telephone service: Number of classrooms with phone service	1600	1600
c	Dial-up Internet access: Number of connections (up to 56kbps)	0	0
d	Direct broadband services: Number of buildings served at the following speeds: Less than 10 mbps	0	0
	Between 10 mbps and 200 mbps	5	5
e	Direct connections to the Internet: Number of drops	536	536
f	Number of classrooms with Internet access	134	134
g	Number of computers or other devices with Internet access	950	950

Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 1121917 **Student Count:** 1418
Weighted Product (Sum. Column 8): 1276.2 **Shared Discount:** 90%

1. School Name: ELMER G KICH ELEMENTARY SCHOOL
2. Entity Number: 69328 **NCES:** 17 18480 02137
3. Rural/Urban: Urban
4. Student Count: 0 **5. NSLP Students:** 0 **6. NSLP Students/Students:**
7. Discount: 90% **8. Weighted Product:** 0
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: LINCOLN ELEMENTARY SCHOOL
2. Entity Number: 69317 **NCES:** 17 18480 02139
3. Rural/Urban: Urban
4. Student Count: 331 **5. NSLP Students:** 312 **6. NSLP Students/Students:** 94.259%
7. Discount: 90% **8. Weighted Product:** 297.9
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: MARTIN LUTHER KING ELEM SCHOOL
2. Entity Number: 69322 **NCES:** 17 18480 04405
3. Rural/Urban: Urban
4. Student Count: 325 **5. NSLP Students:** 299 **6. NSLP Students/Students:** 92.000%
7. Discount: 90% **8. Weighted Product:** 292.5
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: ROSA L PARKS MIDDLE SCHOOL
2. Entity Number: 69323 **NCES:** 17 18480 05018
3. Rural/Urban: Urban
4. Student Count: 404 **5. NSLP Students:** 361 **6. NSLP Students/Students:** 89.356%
7. Discount: 90% **8. Weighted Product:** 363.6
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: WASHINGTON ELEMENTARY SCHOOL
2. Entity Number: 69326 **NCES:** 17 18480 02142
3. Rural/Urban: Urban
4. Student Count: 358 **5. NSLP Students:** 331 **6. NSLP Students/Students:** 92.458%
7. Discount: 90% **8. Weighted Product:** 322.2
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

Block 5: Discount Funding Request(s)

FRN: 1882551 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Telecommunications Service	**12. 470 Application Number:** 166110000705713
13. SPIN: 143001912	**14. Service Provider Name:** Illinois Bell Telephone Company
15a. Non-Contracted tariffed/Month to Month Service:	**15b. Contract Number:** N/A
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:**
16a. Billing Account Number: 708 339-9500	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/10/2009	**18. Contract Award Date:** 02/12/2009
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2012	
21. Attachment #: 01-Phone-AT&T	**22. Block 4 Worksheet No.:** 1121917
23a. Monthly Charges: $7,354.54	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $7,354.54	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $88,254.48	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $88,254.48	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $79,429.03	

FRN: 1882553 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Telecommunications Service	**12. 470 Application Number:** 166110000705713
13. SPIN: 143011191	**14. Service Provider Name:** U.S. Cellular
15a. Non-Contracted tariffed/Month to Month Service:	**15b. Contract Number:** N/A
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:**
16a. Billing Account Number:	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/10/2009	**18. Contract Award Date:** 02/12/2009
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2011	
21. Attachment #: 03-CellWireless-T-Mobile	**22. Block 4 Worksheet No.:** 1121917
23a. Monthly Charges: $1,330.00	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $1,330.00	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $15,960.00	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $15,960.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $14,364.00	

FRN: 1882558 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Internet Access	**12. 470 Application Number:** 911950000659030
13. SPIN: 143003990	**14. Service Provider Name:** Comcast Business Communications
15a. Non-Contracted tariffed/Month to Month Service:	**15b. Contract Number:** IL-12031-020408-41
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:** 1760977

16a. Billing Account Number: 708 339-9500	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/04/2008	**18. Contract Award Date:** 02/07/2008
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2013	
21. Attachment #: 04-Internet Access Circui	**22. Block 4 Worksheet No.:** 1121917
23a. Monthly Charges: $605.09	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $605.09	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $7,261.08	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $7,261.08	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $6,534.97	

FRN: 1903523 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Telecommunications Service	**12. 470 Application Number:** 166110000705713
13. SPIN: 143025073	**14. Service Provider Name:** SBC Long Distance, LLC
15a. Non-Contracted tariffed/Month to Month Service:	**15b. Contract Number:** N/A
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:**
16a. Billing Account Number:	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/10/2009	**18. Contract Award Date:** 02/12/2009
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2012	
21. Attachment #: 07-Long Distance-SBC	**22. Block 4 Worksheet No.:** 1121917
23a. Monthly Charges: $330.00	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $330.00	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $3,960.00	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $3,960.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $3,564.00	

Block 6: Certifications and Signature

Application ID:687578

Do not write in this area.

Entity Number	135538	**Applicant's Form Identifier**	YR12-471-Teleco1
Contact Person	Sharlyne Williams	**Phone Number**	708-339-9500

Block 6: Certifications and Signature

24. ☑ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

a. ☑ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses,

b. ☐ and do not have endowments exceeding $50 million; and/or
libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☑ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	$115,435.56
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	$103,892.00
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	$11,543.56
d.	Total budgeted amount allocated to resources not eligible for E-rate support	$204,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	$215,543.56
f.	☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☑ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

a. ☐ an individual technology plan for using the services requested in this application; and/or
b. ☑ higher-level technology plan(s) for using the services requested in this application; or
c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☑ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

0 4 7 0 0 1 0 1 0

28. ☑ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29. ☑ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.

30. ☑ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

31. ☑ I acknowledge 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 service, receive an appropriate share of benefits from those services.

32. ☑ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33. ☑ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.

34. ☑ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35. ☑ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).

36. ☑ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).

37. ☑ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person _____

39. Signature Date **2/12/2009 2:49:13 PM** _____

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R.§ 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

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West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 2 - WHarvey_FY12_471_687588_app-curr

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create your own code to identify THIS form 471): YR12-471-Maint1

Form 471 Application# (To be assigned by administrator): 687588

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a	Name of Billed Entity	WEST HARVEY-DIXMOOR P S D 147	
2 a	Funding Year: July 1,	2009 Through June 30: 2010	Billed Entity Number:135538
4 a	Street Address, P.O. Box, or Routing Number	191 W 155TH PL	
	City	HARVEY	
	State	IL	Zip Code 60426
5 a	Type of Application	☐ Individual School (individual public or non-public school) ☑ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) ☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA) ☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities)	
6	Contact Person's Name	Sharlyne Williams	

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

b	Street Address, P.O. Box, or Routing Number	191 W 155TH PL	
	City	HARVEY	
	State	IL	Zip Code 60426

0 4 7 0 0 1 0 1 0

Entity Number: 135538
Applicant's Form Identifier: YR12-471-Maint1
Contact Person: Sharlyne Williams
Phone Number: 708-339-9500

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	1418

NO DATA

Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 1121944 **Student Count:** 1418
Weighted Product (Sum. Column 8): 1276.2 **Shared Discount:** 90%

1. School Name: ELMER G KICH ELEMENTARY SCHOOL
2. Entity Number: 69328 **NCES:** 17 18480 02137
3. Rural/Urban: Urban
4. Student Count: 0 **5. NSLP Students:** 0 **6. NSLP Students/Students:**
7. Discount: 90% **8. Weighted Product:** 0
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: LINCOLN ELEMENTARY SCHOOL
2. Entity Number: 69317 **NCES:** 17 18480 02139
3. Rural/Urban: Urban
4. Student Count: 331 **5. NSLP Students:** 312 **6. NSLP Students/Students:** 94.259%
7. Discount: 90% **8. Weighted Product:** 297.9
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: MARTIN LUTHER KING ELEM SCHOOL
2. Entity Number: 69322 **NCES:** 17 18480 04405
3. Rural/Urban: Urban
4. Student Count: 325 **5. NSLP Students:** 299 **6. NSLP Students/Students:** 92.000%
7. Discount: 90% **8. Weighted Product:** 292.5
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: ROSA L PARKS MIDDLE SCHOOL
2. Entity Number: 69323 **NCES:** 17 18480 05018
3. Rural/Urban: Urban
4. Student Count: 404 **5. NSLP Students:** 361 **6. NSLP Students/Students:** 89.356%
7. Discount: 90% **8. Weighted Product:** 363.6
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

1. School Name: WASHINGTON ELEMENTARY SCHOOL
2. Entity Number: 69326 **NCES:** 17 18480 02142
3. Rural/Urban: Urban
4. Student Count: 358 **5. NSLP Students:** 331 **6. NSLP Students/Students:** 92.458%
7. Discount: 90% **8. Weighted Product:** 322.2
9. Pre-K/Adult Ed/Juv: N **10. Alt Disc Mech:** N

Block 5: Discount Funding Request(s)

FRN: 1882578 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	**12. 470 Application Number:** 166110000705713
13. SPIN: 143020950	**14. Service Provider Name:** Morgan, Birge & Associates, Inc.
15a. Non-Contracted tariffed/Month to Month	**15b. Contract Number:** N/A

Service:	
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:**
16a. Billing Account Number:	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/10/2009	**18. Contract Award Date:** 02/12/2009
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2012	
21. Attachment #: 05-LANMaint-Morgan	**22. Block 4 Worksheet No.:** 1121944
23a. Monthly Charges: $3,425.00	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $3,425.00	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $41,100.00	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $41,100.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $36,990.00	

FRN: 1882585 **FCDL Date:** 03/23/2010	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	**12. 470 Application Number:** 166110000705713
13. SPIN: 143020950	**14. Service Provider Name:** Morgan, Birge & Associates, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	**15b. Contract Number:** N/A
15c. Covered under State Master Contract:	**15d. FRN from Previous Year:**
16a. Billing Account Number:	**16b. Multiple Billing Account Numbers?:**
17. Allowable Contract Date: 02/10/2009	**18. Contract Award Date:** 02/12/2009
19a. Service Start Date: 07/01/2009	**19b. Service End Date:**
20. Contract Expiration Date: 06/30/2012	
21. Attachment #: 06-PhoneMaint-Morgan	**22. Block 4 Worksheet No.:** 1121944
23a. Monthly Charges: $1,900.00	**23b. Ineligible monthly amt.:** $.00
23c. Eligible monthly amt.: $1,900.00	**23d. Number of months of service:** 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): $22,800.00	
23f. Annual non-recurring (one-time) charges: 0	**23g. Ineligible non-recurring amt.:** 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): $0.00	
23i. Total program year pre-discount amount (23e + 23h): $22,800.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): $20,520.00	

Block 6: Certifications and Signature

Application ID:687588

Do not write in this area.

Entity Number	135538	**Applicant's Form Identifier**	YR12-471-Maint1
Contact Person	Sharlyne Williams	**Phone Number**	708-339-9500

Block 6: Certifications and Signature

24. ☑ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

a. ☑ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding $50 million; and/or

b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☑ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	$63,900.00
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	$57,510.00
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	$6,390.00
d.	Total budgeted amount allocated to resources not eligible for E-rate support	$204,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	$210,390.00
f.	☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☑ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

a. ☐ an individual technology plan for using the services requested in this application; and/or

b. ☑ higher-level technology plan(s) for using the services requested in this application; or

c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☑ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

0 4 7 0 0 1 0 1 0

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38. Signature of authorized person	39. Signature Date **2/12/2009**
_____	_____

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agencies through the matching of computer records when authorized.

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Please submit this form to:

SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

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West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 3,4,5 – WHarvey_FY12_687578-687588_Appeal_ADL_12-20-10

Universal Service Administrative Company
Schools & Libraries Division

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

December 20, 2010

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Re:	Applicant Name:	WEST HARVEY-DIXMOOR P S D 147
	Billed Entity Number:	135538
	Form 471 Application Number:	687578
	Funding Request Number(s):	1882551, 1882553, 1903523
	Your Correspondence Dated:	May 24, 2010

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): 1882551, 1882553, 1903523
Decision on Appeal: **Denied**
Explanation:

- According to our records, West Harvey-Dixmoor Public School District 147 cited FCC Form 470: 166110000705713 on Block 5, Item 12 of the FCC Form 471. The record also shows that during a Special Compliance review, USAC determined that West Harvey-Dixmoor Public School District 147's authorized contact (Sharlyne Williams), had indicated a bid deadline date of February 6, 2009, which is prior to the Allowable Contract Date of February 10, 2009. On appeal, West Harvey-Dixmoor Public School District 147 failed to provide evidence that the West Harvey-Dixmoor Public School District 147 has complied with this support mechanisms competitive bidding requirements, or that USAC has erred in its initial decision. Consequently, USAC denies the appeal.

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: Sharlyne Williams

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Billed Entity Number:	135538
Form 471 Application Number:	687578
Form 486 Application Number:	

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

December 20, 2010

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Re:	Applicant Name:	WEST HARVEY-DIXMOOR P S D 147
	Billed Entity Number:	135538
	Form 471 Application Number:	687588
	Funding Request Number(s):	1882578, 1882585
	Your Correspondence Dated:	May 24, 2010

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):	1882578, 1882585
Decision on Appeal:	**Denied**
Explanation:	

- According to our records, West Harvey-Dixmoor Public School District 147 cited FCC Form 470: 166110000705713 on Block 5, Item 12 of the FCC Form 471. The record also shows that during a Special Compliance review, USAC determined that West Harvey-Dixmoor Public School District 147's authorized contact (Sharlyne Williams), had indicated a bid deadline date of February 6, 2009, which is prior to the Allowable Contract Date of February 10, 2009. On appeal, West Harvey-Dixmoor Public School District 147 failed to provide evidence that the West Harvey-Dixmoor Public School District 147 has complied with this support mechanisms competitive bidding requirements, or that USAC has erred in its initial decision. Consequently, USAC denies the appeal.

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: Sharlyne Williams

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Billed Entity Number:	135538
Form 471 Application Number:	687588
Form 486 Application Number:	

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 6 - Correspondence-bids_2-3-09-and-prior

1882551 - Proficient Telecom

Message: West Harvey-Dixmoor P S D 147 E-Rate Proposal - Application #16611000

Thursday, January 29, 2009 12:28 AM -0600

From: tjordan@proficienttel.com
"Tom Jordan" <tjordan@proficienttel.com>

Subject: West Harvey-Dixmoor P S D 147 E-Rate Proposal - Application

To: Sharlyne Williams
tjordan@proficienttel.com

Attachments: Attach0.html
ProficientLogoSLTag313x97.gif
Proficient Telecom - Data Services Proposal - PremierC.doc

CHILKAT-CID-b3431dac-3bf0-8fa4-98ac-3435ab9898b3

SPIN 143032068

January 28, 2009

Sharlyne Williams

West Harvey-Dixmoor P S D 147

191 W 155th Pl

Harvey, IL 60426

RE: E-Rate Universal Service Application Number: 166110000705713

I am pleased to submit for your consideration the attached proposal for data services. This proposal is being provided in response to your Form 470 application which was filed with the Universal Service Administrative Company.

Proficient Telecom began offering services in 1996. In recent years we have specialized in serving schools and libraries, particularly those which receive E-Rate funding. Today, we offer a comprehensive list of communications solutions to schools and libraries throughout the United States.

Based on the information provided in your Form 470 filing, Proficient Telecom is recommending managed T1 Internet Access Service at just $399 per month or managed Bonded T1 Internet Access Service at just $699 per month (These rates are before E-rate discounts. See the attached proposal for additional details.).

Additionally, for a limited time we are offering voice PRI as low as $299 per month.

If your organization is seeking a different service, please reply and indicate what it is and I'll be happy to give you a bid.

I look forward to discussing your specific needs in more detail. Please direct any questions to me on 314-406-6000 or by email to tjordan@proficienttel.com.

Finally, if you would kindly reply to this message with "Received", it would be greatly appreciated. If your organization has already chosen a service provider for this specific application number, indicate as such and I will remove it from our interested applicant list.

Thank you.

Sincerely,

Tom Jordan

314-406-6000

tjordan@proficienttel.com

www.proficienttel.com

SPIN 143032068

From: "Joey Sutton " <jsutton@ustelecomgroup.com> Jan 31, 2009 12:50:09 AM

Subject: 470 Erate Filing

To: "Joey Sutton " <jsutton@ustelecomgroup.com>

Bcc: **Sharlyne Williams**

Attachments: Attach0.html 5K
TELECOMMUNICATION CARRIERS1.doc US.doc 173K

US Telecom Group (USTG) received an update that you have filed your form 470 for the 2009-2010 school year.

US Telecom Group represents multiple carriers for all forms of telecommunications and internet access. I have attached a file that lists out carriers US Telecom Group represents.

US Telecom Group would like to bid on your services requested on your Form 470 however we need a little more information to properly bid on your request.

Please contact me at your earliest convenience to discuss your Form 470 requirements.

Thank you,

non- Responsive

Joey Sutton, President

US Telecom Group

Voice:?? 413.364.7558

Fax: ???? 866.358.5552

jsutton@ustelecomgroup.com

?

From: "Gaus, Steven" <Steven.Gaus@uscellular.com> Jan 23, 2009 1:36:58 PM

Subject: Form 470 questions

To: **Sharlyne Williams**

Attachments: Attach0.html 3K

Please help me with this information, so I can promptly reply to your form 470 from USAC posting for West Harvey-Dixmoor PSD 147.

- Please specify how many Wireless phones will you require?
- What is your Email Server Platform (Exchange, GroupWise, etc.)?
- Do you have BlackBerry? now or running BlackBerry? Enterprise Software? How many devises?
- Do you require (and how many) Wireless Data Cards for Internet access from a PC when mobile?
- Will you travel outside the Midwest on a regular basis?
- What are your average minutes of use,? (for the average line or in total) now?
- Will you be requiring trial demo phones to use for a week to check signal strength in your facilities?
- When will a decision be finalized?

I appreciate your reply - This will help me provide accurate and meaningful information for your review.

Thanks in advance for your consideration. I look forward to working with you and all your staff there.

Sincerely,

Steven Gaus
Wireless Business Consultant
U.S. Cellular
847-293-8704
steven.gaus@uscellular.com

Dr. Computer

ATTN: Raymond Osmolski
P.O. Box 117, Steger, IL 60475
(708)228-7454
SPIN #: 143021244

1882578 - Dr. Computer

Estimate

Date	Estimate #
2/3/2009	2007-206

Name / Address
West Harvey-Dixmoor ATTN: Ms. Williams 199 West, 155th Place Harvey, Il 60426

Project

Description	Qty	Cost	Total
Basic Network Maintenance and Technical Support of Internal Connections from 7/1/2009 - 6/30/2012 This estimate is for five buildings: 125 hours per month @ rate of $150.00 per hour per year West Harvey-Dixmoor School District #147 with the following schools: Lincoln, King, Rosa L. Parks, & Washington Repair and upkeep of eligible hardware Basic technical support Configuration changes The following equipment will be maintain: 3Com Switches Cisco Switches Cisco Routers Web Server DHCP Servers Basic Maintenance Tasks-% of Time Associated, per Task Troubleshooting-70 % Diagnostics-20 % Product Upgrades-2 % Firmware Upgrades-2 % Product Updates-3 % Security Vulnerabilities-3 %	1,500	150.00	225,000.00

Permits and village inspections are not included, if required

Total $225,000.00

M O R G A N B I R G E

Morgan Birge & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

February 1, 2009

MAINTENANCE AND SUPPORT SERVICES PROPOSAL
for West Harvey-Dixmoor School District 147

Description:

Morgan Birge and Associates (MBA) is proposing services to provide complete maintenance and technical support services to West Harvey-Dixmoor School District 147's IT infrastructure, including DNS, DHCP and domain controller servers, 3Com switches, APC 1500 UPS devices, Cisco routers and firewall. (Services do not include replacement of hardware or hardware components. Replacement hardware would be charged separately, if needed.)

This infrastructure is maintained in order to provide for IT service to classrooms, publicly accessible rooms of a library, and to eligible administrative areas or buildings, according to the school's implementation design.

All services are 24 x 7, onsite or on call, unlimited. Maintenance requirements and hourly fees can be variable and unexpected. For this reason Morgan Birge provides fixed, predictable monthly maintenance costs with unlimited 24-hour, seven day on-call response and mitigation, including emergency help-desk.

For the purposes of this proposal services will be provided for E-Rate eligible locations and for E-Rate eligible services. Based on the School District's plan, the following services will be required at the following quoted prices. This quote provides a firm proposal for the services herein.

B
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M O R G A N
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Morgan Birgé & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

Pricing:

Unlimited Maintenance and Technical Support (including emergency help desk)	Rate per Month	Hours	Units	Total per Year
Provide continuous 24 x 7 proactive and reactive technical support and maintenance for servers used exclusively for DNS, DHCP, and domain controller services	$1,350	Unlimited 24x7 onsite and on call	10	$13,500
Provide continuous 24 x 7 proactive and reactive technical support and maintenance for all of the following: • 3Com switches (32) • APC 1500 UPS devices (2) • Cisco routers (9) • Firewall (1)	$1,025	Unlimited 24x7 onsite and on call	All listed	$12,300
Total per Year				$26,100

05/24/10 14:58 FAX SCHOOL DISTRICT 147 003

Morgan Birgé & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

Effective Date of Services:

Pending E-Rate Approval, acceptance of this proposal is agreed to by:

Signed: _____

Name: _____

Title: _____

West Harvey-Dixmoor School District 147

WE APPRECIATE SERVING YOU!

Morgan, Birgé & Associates, Inc. (MB&A) has been a provider IT services and computer network maintenance since 1993. MB&A sells, installs, services and maintains business computer networks consisting of 5 to 300+ stations, with over 900 customers. MB&A's primary business is IT and telecom maintenance.

MB&A will provide you with a single source of professional expertise and the resources you need to streamline system management and support functions at an affordable price. MB&A uses advanced processes, tools and methodologies to deliver superior services that match your needs.

MB&A prides itself on delivering comprehensive solutions to all customers. We will build partnerships and ensure the best interests of our customers. We will offer the scalability, expertise, and security of a large company, but always maintain the superior customer service, and human contact of a small company.

Our focus is to keep your systems operational and available so that you can focus your efforts on the demands of growing your business, managing costs and increasing revenues. We want to help you realize the productivity gain and ROI you have been expecting, but missing, from your computer systems.

05/24/10 14:58 FAX SCHOOL DISTRICT 147 004

1882578 - Osineo Network Services

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Show Internet Header
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Re: 09-10 eRate 470 application: 166110000705713

Desktop • Mailbox • E-RATE • Re: 09-10 eRate 470 application: 166110000705713

From: Darnell Payne <dpayne@osineo.com> Thursday, January 15, 2(

Subject: Re: 09-10 eRate 470 application: 166110000705713

To: Sharlyne Williams

Attachments: Attach0.html 11K

Client	Service	eRate Category
		?
SD150	Website Development	Internet Access
SD156	Email Hosting	Internet Access?
?	?	?
SD168	Data Cabling	Internal Connections
SD132	Data Cabling/Fiber Optic	Internal Connections
SD143.5	Network Support	Internal Connection Basic Maint.

?

?

Ms. Williams ,

We?have a proven track record of completing eRate eligible work for districts similar to yours, listed above. I'd like to meet with you to discuss your 09-10' eRate RFP, along with your techne coming year.

Could we meet?next week?at your office?

?

Sincerely,

Darnell Payne

Osineo Network Services, Inc.

4747 Lincoln Mall Drive, Ste. 301

Matteson, Ill 60443

www.osineo.com

(708) 679-9867 ext.102

SPIN# 143026446

?

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From: "Al Lainio" <alainio@graphtechsys.com> December 22, 2008 11:50:58 AM

Subject: eRate Response - Graphtech

To: **Sharlyne Williams**

Attachments: Attach0.html 5K

Hello Sharlyne

?

I hope you are staying warm!

?

I wanted to follow up and find out if the district was pursuing eRate.? I would like to support the district with technology, as we are working with many districts in and around Chicago.? Let me know if you are available to discuss in the next few weeks.

?

Thanks!

?

Al?Lainio
K-12 Business Development Specialist

graphtech systems

750 estate drive, suite 104
deerfield, il 60015-4877
847.964.5013 (o) |?773.494.3038 (c)
alainio@graphtechsys.com | www.graphtechsys.com

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1882578 - GraphTech Systems

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- Show Internet Header
- History
- Save Attachment...
- Delete
- Reply
- Forward
- Print

eRate Response for Basic Maint - Graphtech

Desktop • Mailbox • E-RATE • eRate Response for Basic Maint - Graphtech

From: "Al Lainio" <alainio@graphtechsys.com> Friday, January 16, 20(

Subject: eRate Response for Basic Maint - Graphtech

To: **Sharlyne Williams**

Attachments: Attach0.html 5.1K

Hello Sharlyne

?

I wanted to respond to the district's eRate posting for basic maintenance of the data network.? We school districts along with assisting Jay Blackman at Brookwood167.

?

Please let me know if there is a good time to contact you_

?

Thanks!

?

?

Al?Lainio
K-12 Business Development Specialist

graphtech systems

750 estate drive, suite 104
deerfield, il 60015-4877
847.964.5013 (o) |?773.494.3038 (c)
alainio@graphtechsys.com | www.graphtechsys.com

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?

1882585 - Morgan, Birge & Associates, Inc.

M O R G A N B I R G E

Morgan Birge & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

February 1, 2009

MAINTENANCE AND SUPPORT SERVICES PROPOSAL
for West Harvey-Dixmoor School District 147

Description:

Morgan Birge and Associates (MBA) is proposing services to provide complete maintenance and technical support services to West Harvey-Dixmoor School District 147's IT infrastructure, including DNS, DHCP and domain controller servers, 3Com switches, APC 1500 UPS devices, Cisco routers and firewall. (Services do not include replacement of hardware or hardware components. Replacement hardware would be charged separately, if needed.)

This infrastructure is maintained in order to provide for IT service to classrooms, publicly accessible rooms of a library, and to eligible administrative areas or buildings, according to the school's implementation design.

All services are 24 x 7, onsite or on call, unlimited. Maintenance requirements and hourly fees can be variable and unexpected. For this reason Morgan Birge provides fixed, predictable monthly maintenance costs with unlimited 24-hour, seven day on-call response and mitigation, including emergency help-desk.

For the purposes of this proposal services will be provided for E-Rate eligible locations and for E-Rate eligible services. Based on the School District's plan, the following services will be required at the following quoted prices. This quote provides a firm proposal for the services herein.

05/24/10 14:58 FAX SCHOOL DISTRICT 147 002

B
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M O R G A N
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Morgan Birgé & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

Pricing:

Unlimited Maintenance and Technical Support (including emergency help desk)	Rate per Month	Hours	Units	Total per Year
Provide continuous 24 x 7 proactive and reactive technical support and maintenance for servers used exclusively for DNS, DHCP, and domain controller services	$1,350	Unlimited 24x7 onsite and on call	10	$13,500
Provide continuous 24 x 7 proactive and reactive technical support and maintenance for all of the following: • 3Com switches (32) • APC 1500 UPS devices (2) • Cisco routers (9) • Firewall (1)	$1,025	Unlimited 24x7 onsite and on call	All listed	$12,300
Total per Year				$26,100

05/24/10 14:58 FAX SCHOOL DISTRICT 147 003

Morgan Birgé & Associates, Inc.
119 W Hubbard Street
Fourth Floor
Chicago, Illinois
60610
312 670 0000 MAIN
312 494 0000 FAX
www.morganbirge.com

Effective Date of Services:

Pending E-Rate Approval, acceptance of this proposal is agreed to by:

Signed: _____

Name: _____

Title: _____

West Harvey-Dixmoor School District 147

WE APPRECIATE SERVING YOU!

Morgan, Birgé & Associates, Inc. (MB&A) has been a provider IT services and computer network maintenance since 1993. MB&A sells, installs, services and maintains business computer networks consisting of 5 to 300+ stations, with over 900 customers. MB&A's primary business is IT and telecom maintenance.

MB&A will provide you with a single source of professional expertise and the resources you need to streamline system management and support functions at an affordable price. MB&A uses advanced processes, tools and methodologies to deliver superior services that match your needs.

MB&A prides itself on delivering comprehensive solutions to all customers. We will build partnerships and ensure the best interests of our customers. We will offer the scalability, expertise, and security of a large company, but always maintain the superior customer service, and human contact of a small company.

Our focus is to keep your systems operational and available so that you can focus your efforts on the demands of growing your business, managing costs and increasing revenues. We want to help you realize the productivity gain and ROI you have been expecting, but missing, from your computer systems.

05/24/10 14:58 FAX SCHOOL DISTRICT 147 004

No FRN - ID Solutions

Message: West Harvey-Dixmoor Erate Form 470 Request

Monday, January 26, 2009 4:21 PM -0600
From: "Michael DeCrane" <mdecrane@e-idsolutions.com>
Subject: West Harvey-Dixmoor Erate Form 470 Request
To: Sharlyne Williams
Cc: "Scott Katzbeck" <skatzbeck@e-idsolutions.com>
"Rick Dawson" <rdawson@e-idsolutions.com>
Attachments: Attach0.html 9.2K

Good day Sharlyne,

?

I am writing in regards to the West Harvey-Dixmoor 470 request for e-rate funds today. We would like to put together a response for your video request; however I will need just a bit more information in order to do so. ?Your request had asked for "Basic Maintenance of Video Network" and I was wondering if that was distance learning, videostreaming, or video surveillance.

VBrick Systems, LifeSize Communications, Polycom, Tandberg and others are solutions that are becoming increasingly popular across the United States and most are between 90% and 100% eligible under the USAC ESL guidelines. IDSolutions is the number one reseller of Vbrick videostreaming products in the nation for education. I can send you any technical datasheets from the manufacturers that you may be interested in if desired.

We have many years of e-rate experience and certified engineers and have completed implementations for schools and government entities across the State of Illinois and Midwest. I look forward to working with you in the future_ Thanks.

?

? ~Respectfully,

?

Michael T. DeCrane

Pre-Sales Engineer,

ID Solutions

?

phone: 317.770.3544

mdecrane@e-idsolutions.com

From: Don Robinson <drobinson@net56.com> January 13, 2009 4:16:19 PM

Subject: Form 470 Inquiry

To: **Sharlyne Williams**

Attachments: Attach0.html 5K
Net56 Overview.pdf 146K

Good afternoon: I was looking at your 470 filing and have a question.

?

-? Noting that you listed E-mail and web hosting, are you interested in WAN management? In addition to E-mail and web, most of our client districts have us hosting their student and finance packages as well as manage their WAN.

?

To share a little bit about who we are, we believe Net56 is the only firm in the state that provides school districts with "one-stop" comprehensive services such as you identified in Block 9 of your 470 filing. Also, Net56 currently supports multiple elementary districts in south Cook County. Net56 provides, among many other services, WAN management, firewall, Internet access, application hosting, web hosting, e-mail hosting, and extensive professional development. Our services are provided from our Palatine-based data center.

?

Your district could be eligible to receive E-rate funding for many services that otherwise are not E-ratable when provided from inside the district on district-owned hardware. Two prime examples of E-ratable third-party services are web hosting and e-mail. Given your district's high reimbursement rate, the financial implications could be significant.

?

On a personal note, I came to know Net56 a few years ago while serving as Asst. Supt. for Business at Zion ESD 6. Like W Harvey-Dixmoor PSD 147, Zion is a high poverty district. Net56 did a fantastic job, and continues to serve that district and others very well.

?

Best regards, Don

?

From: "Bruce Elmore" <belmore@ask-tig.com> December 22, 2008 8:50:50 AM

Subject: District Technology RFP

To: **Sharlyne Williams**

Attachments:

Attach0.html	4K
image001.jpg	11K
TIG_green.JPG	5K
TIG.jpg	30K
Bruce Elmore	1K

Sharlyne,

?

When we spoke back in November you mentioned you'd have some kind of RFP ready this month.

?

I'm following up on that conversation. Can you give me an idea when it will be ready?

Thanks!

?

image001.jpg@01C96412.63EA7AF0

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?

?

16354ea5b9@d0cc4dbb-633d

?

This electronic mail transmission contains information that may be confidential or privileged from Telcom Innovations Group, L.L.C. The information contained herein is intended solely for the use of the individual or entity named above. Please note that if you are not the intended recipient, any dissemination, disclosure, distribution or copying of the contents of this information is prohibited. If you have received this electronic transmission in error, please contact us by telephone (630) 350 -0700. Thank you.

f38cc0018f@b4734125-1d6f

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 7 - email-from-J Kratochvil_2-5-09

From: jkratochvil@infiniteconnect.net February 5, 2009 10:57:42 AM

Subject: West Harvey-Dixmoor PSD 147 Form 470 posting

To: **Sharlyne Williams**

Attachments: Attach0.html 7K
Form 470_West_Harvey_Dixmoore.pdf 90K

-------- Original Message --------
Subject: West Harvey-Dixmoor PSD 147 Form 470 posting]
From: jkratochvil@infiniteconnect.net
Date: Tue, February 03, 2009 1:10 pm
To: sharwilliams@whd147.org

Forward everything below this line along with the attachment today to any prospective vendor.

Hello,

On behalf of West Harvey-Dixmoor PSD 147, please be advised that will be pursuing E-Rate funding for its telecommunication needs to coincide with E-Rate Year 12 (July 1, 2009 - June 30th, 2010). As part of this process, we are requesting that you review the Form 470 as part of our solicitation process and would like to encourage you to submit pricing in response to this posting. Please note that we will require the following:

1) Spin number
2) Reference to Form 470 posting
3) Pricing based on services listed

We will be taking bids in order to compare prices and terms in order to comply with E-Rate bidding rules.

For access to the specific form 470 posting, please visit the SLD website at:
http://www.sl.universalservice.org/form470/Search.asp

Form 470 #:**166110000705713**

We are requesting that all responses be submitted no later than close of business February 6th, 2009.

Should you have any questions, please email me at sharwilliams@whd147.org.

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 8 - Encouragement-emails_2-5-09

From: **Sharlyne Williams** February 5, 2009 7:58:56 PM

ubject: Re: 470 Erate Filing

To: "Joey Sutton " <jsutton@ustelecomgroup.com>

Hello,

On behalf of West Harvey-Dixmoor PSD 147, please be advised that the district will be pursuing E-Rate funding for its telecommunication needs to coincide with E-Rate Year 12 (July 1, 2009 - June 30th, 2010). As part of this process, we are requesting that you review the Form 470 as part of our solicitation process and would like to encourage you to submit pricing in response to this posting. Please forward any questions by email. Please note that we will require the following:

1) Spin number
2) Reference to Form 470 posting
3) Pricing based on services listed

We will be taking bids in order to compare prices and terms in order to comply with E-Rate bidding rules.

For access to the specific form 470 posting, please visit the SLD website at:
http://www.sl.universalservice.org/form470/Search.asp

Form 470 **#:166110000705713**

We are requesting that all responses be submitted no later than close of business February 6th, 2009.

Should you have any questions, please email me at sharwilliams@whd147.org.

Thank you,

Sharlyne Williams

WestHarvey-Dixmoor PSD 147

191 West 155th Place,

Harvey, IL 60426

sharwilliams@whd147.org

Direct: 708-339-9500 ext 7117

From: **Sharlyne Williams** GraphTech Systems February 5, 2009 8:18:26 PM

Subject: Re: eRate Response for Basic Maint - Graphtech

To: "Al Lainio" <alainio@graphtechsys.com>

Hello,

On behalf of West Harvey-Dixmoor PSD 147, please be advised that the district will be pursuing E-Rate funding for its telecommunication needs to coincide with E-Rate Year 12 (July 1, 2009 - June 30th, 2010). As part of this process, we are requesting that you review the Form 470 as part of our solicitation process and would like to encourage you to submit pricing in response to this posting. Please note that we will require the following:

1) Spin number
2) Reference to Form 470 posting
3) Pricing based on services listed

We will be taking bids in order to compare prices and terms in order to comply with E-Rate bidding rules.

For access to the specific form 470 posting, please visit the SLD website at:
http://www.sl.universalservice.org/form470/Search.asp

Form 470 #:**166110000705713**

We are requesting that all responses be submitted no later than close of business February 6th, 2009.

Should you have any questions, please email me at sharwilliams@whd147.org.

Thank you,

Sharlyne Williams

WestHarvey-Dixmoor PSD 147

191 West 155th Place,

Harvey, IL 60426

sharwilliams@whd147.org

Direct: 708-339-9500 ext 7117

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RE: Form 470 RFP Bid

Desktop • Mailbox • E-RATE • RE: Form 470 RFP Bid

From: "Bruce Elmore" <belmore@ask-tig.com> Friday, February 6, 2009 9:(

Subject: RE: Form 470 RFP Bid

To: Sharlyne Williams

Good Day Sharlyne,

We are very interested in bidding on Sections 10 and 11 of your E-Rate Form 470.

Unfortunately without actually taking a look at your buildings and the phone and data systems in question it is physically impossible for us to give you any meaningful bid by the close of business today.

If you'll recall I spoke with you back on the 4th of November regarding your upcoming E-Rate needs. At that time you indicated that a formal RFP was being prepared by a consultant and that it would be ready in December of last year. You asked me to follow up with you in December if I didn't hear from you.

I sent you an email on the 22nd of December asking about the status of the RFP and did not receive any reply.

So I'm a bit confused and I hope you can help me out.

Was an RFP for your wiring and data needs ever prepared?

If so may I please get a copy of it?

How can you possibly expect any vendor to give you a responsible bid without seeing the buildings and the equipment in question?

You've placed our company in an impossible situation. There's no way we can responsibly reply to your request in the time frame you've set.

Thanks for your help.

Bruce Elmore

-----Original Message-----
From: Sharlyne Williams [mailto:SharWilliams@whd147.org]
Sent: Thursday, February 05, 2009 8:22 PM
To: Bruce Elmore
Subject: Re: Form 470 RFP

Greetings,
On behalf of West Harvey-Dixmoor PSD 147, please be advised that the district will be pursuing E-Rate funding for its telecommunication needs

to coincide with E-Rate Year 12 (July 1, 2009 - June 30th, 2010). As part of this process, we are requesting that you review the Form 470 as part of our solicitation process and would like to encourage you to submit
pricing in response to this posting. Please note that we will require the
following:
1) Spin number
2) Reference to Form 470 posting
3) Pricing based on services listed

We will be taking bids in order to compare prices and terms in order to comply with E-Rate bidding rules.
For access to the specific form 470 posting, please visit the SLD website
at: [http://www.sl.universalservice.org/form470/Search.asp]http://www.sl.universalservice.org/form470/Search.asp
Form 470 #:166110000705713

We are requesting that all responses be submitted no later than close of business February 6th, 2009.
Should you have any questions, please email me at [mailto:sharwilliams@whd147.org]sharwilliams@whd147.org.
Thank you,
Sharlyne Williams

WestHarvey-Dixmoor PSD 147

191 West 155th Place,

Harvey, IL 60426

sharwilliams@whd147.org

Direct: 708-339-9500 ext 7117
[http://www.cook.k12.il.us/]

ID Solutions

From: **Sharlyne Williams** February 5, 2009 8:06:36 PM

Subject: Re: West Harvey-Dixmoor Erate Form 470 Request

To: "Michael DeCrane" <mdecrane@e-idsolutions.com>

Cc: "Scott Katzbeck" <skatzbeck@e-idsolutions.com>
"Rick Dawson" <rdawson@e-idsolutions.com>

Hello,

On behalf of West Harvey-Dixmoor PSD 147, please be advised that the district will be pursuing E-Rate funding for its telecommunication needs to coincide with E-Rate Year 12 (July 1, 2009 - June 30th, 2010). As part of this process, we are requesting that you review the Form 470 as part of our solicitation process and would like to encourage you to submit pricing in response to this posting. In response to your question, the district is interested in videostreaming and video surveillance. Please note that we will require the following:

1) Spin number
2) Reference to Form 470 posting
3) Pricing based on services listed

We will be taking bids in order to compare prices and terms in order to comply with E-Rate bidding rules.

For access to the specific form 470 posting, please visit the SLD website at:
http://www.sl.universalservice.org/form470/Search.asp

Form 470 #:**166110000705713**

We are requesting that all responses be submitted no later than close of business February 6th, 2009.

Should you have any questions, please email me at sharwilliams@whd147.org.

Thank you,

Sharlyne Williams

WestHarvey-Dixmoor PSD 147

191 West 155th Place,

Harvey, IL 60426

sharwilliams@whd147.org

Direct: 708-339-9500 ext 7117

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 9 - NoFRN_Wahaya_email_2-9-09

From: Sharlyne Williams February 9, 2009 5:10:39 PM

Subject: Re: eRate Form470 - 166110000705713 - WEST HARVEY-DIXMOOR P S D 147

To: Chad Odom <codom@wahaya.com>

Thank you for your interest in assisting our district. We will not pursue web hosting or email hosting as part of our Erate application.

Regards,

Sharlyne Williams
Business Manager
West Harvey-Dixmoor School District 147
Telephone: (708) 339-9500 ext 7117
Email: sharwilliams@whd147.org

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 10 - 1882553_T-Mobile_email_2-11-09

From: Sharlyne Williams February 11, 2009 6:03:00 PM

Subject: URGENT: Proposed Contract Needed for E-Rate Application due 2/12/09

To: Businesscare@t-mobilesupport.com

Cc: jkratochvil@infiniteconnect.net

Bcc: Sharlyne Williams

I am need of a signed contract proposal for 25 cell phones lines to submit with Erate application. The signed contract is needed for E-Rate application submission by 2/12/09, which is the USAC's drop-dead deadline date to submit contracts. The contract should be effective 7/1/09 through 6/30/10, and the monthly cost can be projected based on the charges in our current contract.

This school district currently uses T-Mobile phones, ACCOUNT NUMBER : 339120886 EIN: 36-6004362

I spoke with the T-mobile E-Rate representative Rosemary Bloom at tel: (425) 383-4258, however, she was not able to help with getting the contract, but she may be able to assist you with understanding the E-Rate application requirements.

Our district would like to retain our T-Mobile account, but we will only be able to do that if we are able to submit T-Mobile contract with our E-Rate application which enables the district to receive reimbursement of cellular phone charges.

Please include your SPIN #: 143026181 on the proposal. Please contact me with any questions.

Sharlyne Williams
Business Manager
West Harvey-Dixmoor School District 147
Telephone: (708) 339-9500 ext 7117
Cell: (708) 369-1053
Email: sharwilliams@whd147.org

From: Business Care <businesscare@t-mobilesupport.com> 2/11/09 6:02:04 PM

ubject: Thank you for contacting T-Mobile Business Care! (KMM8497480I15977L0KM)

To: **Sharlyne Williams**

We appreciate this opportunity to work with you regarding your request. Cell Wireless / no contract or bid received

For your reference please refer to Case ID 2495614 if you have any questions regarding this request.

Your original subject of your request was:
URGENT: Proposed Contract Needed for E-Rate Application due 2/12/09

Thank you
T-Mobile USA

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 11,14 - Aberdeen_470_errors_5-8-07

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Application for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Aberdeen School District	)	File No. SLD-297249, *et al*.
Aberdeen, WA, *et al.*	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

ORDER

Adopted: April 18, 2007 **Released: May 8, 2007**

By the Commission:

I. INTRODUCTION

1. In this Order, we grant 62 appeals and deny one appeal of decisions by the Universal Service Administrative Company (USAC) concerning applications for discounted services under the schools and libraries universal service mechanism (also known as the E-rate program).[1] As explained below, we find that, for 34 applicants that made ministerial or clerical errors on forms that were timely submitted, good cause exists to waive section 54.504(c) of the Commission's rules, which requires applicants to submit a completed FCC Form 471 to USAC.[2] We also find that, for 28 applicants, good cause exists to waive section 54.504(b)(4) of the Commission's rules, which states that applicants must wait 28 days after their FCC Form 470 is posted to USAC's website or after public availability of an applicant's request for proposal (RFP) before entering into an agreement with a service provider for the requested services.[3] Lastly, for one applicant, we deny the appeal for failing to comply with the Commission's competitive bidding rules.[4]

2. Accordingly, we remand the underlying applications associated with the granted appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendix

[1] In this Order, we use the term "appeals" to generically refer to requests for review of decisions, or waivers related to such decisions, issued by the Commission, the Wireline Competition Bureau, or USAC. A list of these petitions is attached in the Appendix and we will refer to all of these parties as Petitioners. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company may seek review from the Commission. 47 C.F.R. § 54.719(c).

[2] 47 C.F.R. § 54.504(c); *see infra* paras. 6-7.

[3] 47 C.F.R. § 54.504(b)(4); *see infra* paras. 8-9.

[4] *See infra* para. 10.

and issue an award or denial based upon a complete review and analysis no later than 120 days from the release of this Order. In addition, starting in Funding Year 2007,[5] we direct USAC to provide applicants with a 15-day opportunity to cure any ministerial or clerical errors on their FCC Form 471 that make it appear that the applicants violated the 28-day rule.[6]

3. As the Commission recently noted, many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a number of applications for E-rate support being denied for ministerial or clerical errors.[7] We find that the actions we take here to provide relief will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.[8] Moreover, we believe that none of the waivers of sections 54.504(b)(4) and (c) granted here will frustrate the overarching purpose of the 28-day competitive bidding process, which is intended to ensure a fair opportunity for service providers to bid on the services sought by applicants.[9]

II. BACKGROUND

4. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.[10] The Commission's rules provide that each funding year, with one limited exception for existing, binding contracts, an eligible school, library, or consortium that includes eligible schools or libraries must seek competitive bids for all services eligible for support.[11] In accordance with the Commission's rules, an applicant must file with USAC, for posting to USAC's website, an FCC Form 470 requesting discounted services.[12] The applicant must wait 28 days after the FCC Form 470 is posted

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[5] USAC shall also apply this 15-day opportunity to applications with these types of appeals currently before USAC.

[6] *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File No. SLD-487170, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5326-27, para. 23 (2006) (*Bishop Perry Order*). We recognize that USAC cannot always identify these types of errors simply by looking at the FCC Form 471. In those cases, applicants will have 15 days from receiving the denial of their application to demonstrate that it was a ministerial or clerical error that gave the appearance that the applicant violated the 28-day rule.

[7] *See Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (*Comprehensive Review NPRM*); *Bishop Perry Order*, 21 FCC Rcd at 5316, para. 2.

[8] 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

[9] *See* 47 C.F.R. §§ 54.504 (b)(4) and (c); *see, e.g., Request for Review of the Decision of the Universal Service Administrator by Currituck County Schools, Federal-State Joint Board on Universal Service*, File No. SLD-111040, CC Docket No. 96-45, Order, 15 FCC Rcd 5564, 5566, para. 6 (Com. Car. Bur. 2000) (*Currituck County Schools Order*).

[10] 47 C.F.R. §§ 54.501-54.503.

[11] 47 C.F.R. §§ 54.504, 54.511(c).

[12] 47 C.F.R. § 54.504(b); *see also* Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (Funding Years 2000, 2001, 2002 FCC Form 470); Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-
(continued . . .)

to the USAC website or after public availability of an applicant's RFP, whichever is later, before entering into an agreement with a service provider for the requested services.[13] Once the school or library has complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, it must file an FCC Form 471 application to notify USAC of the services that have been ordered, the service providers with which the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.[14] An applicant can enter into multi-year contracts or contracts with voluntary extensions without reposting an FCC Form 470 application and complying with the 28-day rule each year as long as the applicant indicated such intent in Item 13 on its FCC Form 470 or in its RFP.[15]

III. DISCUSSION

5. In this item, we grant 62 appeals and deny one appeal of decisions by USAC denying requests for funding under the E-rate program due to an applicant's failure to comply with the Commission's 28-day competitive bidding requirement.[16] The E-rate program's competitive bidding requirements ensure more efficient pricing for telecommunications and information services purchased by schools and libraries by minimizing the amount of support needed. Specifically, "the 28-day posting rule

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(Continued from previous page)
0806 (April 2002) (Funding Year 2003 FCC Form 470); Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (May 2003) (Funding Year 2004 FCC Form 470); Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (October 2004) (Funding Year 2005 FCC Form 470) (collectively, FCC Form 470).

[13] 47 C.F.R. § 54.504(b)(4); *see* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1997) (Funding Year 1999 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Funding Year 2000 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2001 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (Funding Year 2002 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2003) (Funding Year 2004 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) (Funding Year 2005 FCC Form 471) (collectively, FCC Form 471).

[14] 47 C.F.R. § 54.504(c). *See* FCC Form 471. The Commission's rules do provide a limited exemption from the 28-day competitive bidding requirement when applicants had "existing contracts" signed before January 30, 1998. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Tenth Order on Reconsideration, 14 FCC Rcd 5983, 5986, para. 6 (1999); *see also* 47 C.F.R. § 54.511(c)(1). None of the Petitioners argue that this exemption applies to their case.

[15] *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 15 FCC Rcd 6732, 6736, para. 10-12 (1999); *see* USAC website, Contract guidance, at http://www.universalservice.org/sl/applicants/step04/contract-guidance.aspx (retrieved March 5, 2007). A contract including voluntary extensions means that the contract expires at the end of its original term and may be voluntarily extended for one or more years pursuant to the provisions in the contract. *Id*.

[16] The Commission may waive any provision of its rules on its own motion and for good cause shown. 47 C.F.R. § 1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. *Northeast Cellular*, 897 F.2d at 1166.

is intended to provide a fair and uniform period applicable to all schools and libraries seeking discounts for eligible services to permit competitive bidding by all potential bidders."[17] Generally, Petitioners' argue either that they made clerical or ministerial errors on the FCC Form 471[18] or that they misunderstood our rules, which resulted in a denial of their requests for E-rate funding.[19] For the reasons discussed below, we waive sections 54.504(b) or (c) of our rules, as applicable, and grant these appeals.[20] The Commission also notes that the grant of these appeals should have minimal effect on the Universal Service Fund.[21] With regard to one appeal, we deny for failing to comply with the Commission's competitive bidding rules.[22] Therefore, we remand the underlying applications associated with these

[17] *See Currituck County Schools Order*, 15 FCC Rcd at 5566, para. 6.

[18] *See* Application for Review of Aberdeen School District; Request for Review of Abilene Free Public Library; Petition for Reconsideration of Albany Public Library; Request for Review of Augusta County School District; Request for Review of Bank Street School for Children; Request for Review of Bath School Department; Request for Review of Bethlehem Area Public Library; Request for Review of B.F. Jones Memorial Library Aliquippa District Library Center; Request for Review of Calumet City Public Library; Request for Review of Chippewa Hills School District; Request for Review of Chowchilla Union High School District; Request for Review and/or Waiver of Cumberland County School District; Request for Review of David Douglas School District 40; Request for Review of Hydaburg City School; Request for Review of Jackson-Hinds Library System; Request for Review of Johnson Elementary School; Request for Review of Kennewick School District; Request for Review of Madawaska School District; Request for Review of Maine School Administration District No. 9; Request for Waiver of Marvin L. Winans Academy of Performing Arts; Request for Review of Milton School District; Request for Review of Modesto City Schools; Request for Review of Nelson Public School District; Request for Review of Norborne R-VIII School District; Request for Review of Onondaga-Cortland Madison BOCES; Request for Review of Princeton R-5 School; Request for Review of Prosser School District No. 116; Request for Review of Rapides Parish Library; Request for Review of Richland School District; Request for Review of Sycamore Community Schools; Request for Review and/or Waiver of Waverly City Schools; Request for Review of Western Ohio Computer Organization; Request for Review of White Settlement Independent School District; Request for Review of Willits Charter School.

[19] *See* Request for Review of Anchorage School District; Request for Review of Atlantic County Library System; Request for Review of Butternut School District; Request for Review of Clark Township School District; Request for Review of Columbia Union School District; Request for Waiver of Cooperative Educational Service Agency No. 7; Request for Review of Ewing Public Schools; Request for Review of Graham Independent School District; Request for Review of Islesboro School District; Request for Review of Los Angeles Unified School District; Request for Waiver of Mason Public School District; Request for Review of Miles City Unified School District; Request for Waiver of Nottingham School; Request for Review of Swampscott Public Schools; Request for Waiver of Bedford Public Schools; Application for Review of Custer County School District; Request for Review of Manton JT Union Elementary School District; Request for Waiver of Philadelphia-Montgomery Christian Academy; Request for Review of Brunswick County Schools; Request for Review of Dallas County School District 1; Request for Review of Danville City School District; Request for Review of Helena Public School District No. 1; Request for Review of Howell Township Public Schools; Request for Review of Latch School Inc.; Request for Review of North Scott Community School District; Request for Review of The School District of Palm Beach County; Request for Review of United School District. One request for waiver, filed on behalf of Reform Public Library (Reform), was submitted by USAC. USAC acknowledged that it significantly delayed posting Reform's FCC Form 470 to its website. Due to this delay, Reform violated the 28-day rule in order to file its FCC Form 471 before the filing window closed. *See* Request for Waiver of Reform Public Library.

[20] *See* 47 C.F.R. §§ 54.504(b)(4) and (c).

[21] We estimate that the appeals granted in this Order involve applications for approximately $15.2 million in funding for Funding Years 1999-2005. We note that USAC has already reserved sufficient funds to address outstanding appeals. *See, e.g.,* Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Second Quarter 2007 (Jan. 31, 2007). Thus, we determine that the action we take today should have minimal impact on the Universal Service Fund as a whole.

[22] *See infra* para. 10.

appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendix and issue an award or denial based upon a complete review and analysis no later than 120 days from the release of this Order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the requested services.[23]

6. *Section 54.504(c) Waivers*. According to their denial letters from USAC, these Petitioners' requests for E-rate funding were denied because their contracts for discounted services were signed prior to the 28-day waiting period computed from the date of the posting of the FCC Form 470 on the USAC website. These Petitioners' denials, however, can be more accurately described as failing to comply with the requirement of section 54.504(c) of our rules, which requires applicants to submit a completed FCC Form 471 to USAC.[24] That is, while the applicants filed their FCC Forms 471 on time, they need a waiver to make a correction after the deadline. Specifically, these appeals involved clerical errors on the part of the Petitioners; they inserted the wrong contract date, the wrong classification of service, or the wrong FCC Form 470 application number on the FCC Form 471, thus making it appear that the applicants violated the 28-day rule.[25]

7. Based on the facts and the circumstances of these specific cases, we find that good cause exits to waive section 54.504(c) of our rules.[26] In these circumstances, applicants committed minor errors in filling out their application forms. As the Commission recently noted, we do not believe that such minor mistakes warrant the complete rejection of each of these applicants' E-rate applications.[27] Our finding is consistent with our ruling in the *Bishop Perry Order* in which the Commission waived section 54.504(c) of our rules in situations where applicants' ministerial or clerical errors caused USAC to find that the applications were not complete and thus not filed within the filing window.[28] Importantly, like those appeals granted in the *Bishop Perry Order*, applicants' errors here could not have resulted in an

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[23] Nothing in this order is intended to authorize or require payment of any claim that has previously been released by a service provider or applicant, including in a civil settlement or criminal plea agreement with the United States.

[24] *See* 47 C.F.R. § 54.504(c).

[25] *See* Application for Review of Aberdeen School District; Request for Review of Abilene Free Public Library; Petition for Reconsideration of Albany Public Library; Request for Review of Augusta County School District; Request for Review of Bank Street School for Children; Request for Review of Bath School Department; Request for Review of Bethlehem Area Public Library; Request for Review of B.F. Jones Memorial Library Aliquippa District Library Center; Request for Review of Calumet City Public Library; Request for Review of Chippewa Hills School District; Request for Review of Chowchilla Union High School District; Request for Review and/or Waiver of Cumberland County School District; Request for Review of David Douglas School District 40; Request for Review of Hydaburg City School; Request for Review of Jackson-Hinds Library System; Request for Review of Johnson Elementary School; Request for Review of Kennewick School District; Request for Review of Madawaska School District; Request for Review of Maine School Administration District No. 9; Request for Waiver of Marvin L. Winans Academy of Performing Arts; Request for Review of Milton School District; Request for Review of Modesto City Schools; Request for Review of Nelson Public School District; Request for Review of Norborne R-VIII School District; Request for Review of Onondaga-Cortland Madison BOCES; Request for Review of Princeton R-5 School; Request for Review of Prosser School District No. 116; Request for Review of Rapides Parish Library; Request for Review of Richland School District; Request for Review of Sycamore Community Schools; Request for Review and/or Waiver of Waverly City Schools; Request for Review of Western Ohio Computer Organization; Request for Review of White Settlement Independent School District; Request for Review of Willits Charter School.

[26] 47 C.F.R. § 54.504(c).

[27] *Bishop Perry Order*, 21 FCC Rcd at 5321, para. 11.

[28] *Id*. at paras. 10-11.

advantage for them in the processing of their application.[29] As such, the applicants' mistakes, if not caught by USAC, could not have resulted in the applicants receiving more funding than they were entitled to. Moreover, the Commission found in the *Bishop Perry Order* that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.[30] Thus, we find that good cause exists to waive section 54.504(c) of our rules for these applicants.[31] Accordingly, we grant and remand these appeals to USAC for further processing consistent with this Order.

8. *Section 54.504(b) Waivers*. A number of Petitioners mistakenly signed their contracts or certified their FCC Forms 471 before the allowable contract date.[32] Other Petitioners filed an FCC Form 471 before the allowable contract date because there was only one service provider in the area that could provide the needed services and, therefore, Petitioners mistakenly believed they did not have to wait 28 days before submitting an FCC Form 471.[33] Other Petitioners did not indicate they were posting for a multi-year contract or a contract with a voluntary renewal provision when they originally posted the FCC Form 470.[34] Finally, we find that two Petitioners complied with the Commission's rules and grant their requests for review.[35]

9. Based on the facts and the circumstances of these specific cases, we find that good cause exists to waive section 54.504(b)(4) of the Commission's rules, which requires applicants to wait 28 days after posting an FCC Form 470 to USAC's website before entering into an agreement with a service provider for the requested services.[36] We find that Petitioners' errors related to the competitive bidding process do not warrant a complete rejection of their applications. We have examined the facts of each of

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[29] *Id.* at para. 11.

[30] *See id.* at paras. 2, 9.

[31] 47 C.F.R. § 54.504(c).

[32] *See* Request for Review of Atlantic County Library System; Request for Review of Butternut School District; Request for Review of Clark Township School District; Request for Waiver of Cooperative Educational Service Agency No. 7; Request for Review of Dallas County School District 1; Request for Review of Ewing Public Schools; Request for Review of Graham Independent School District; Request for Review of Islesboro School District; Request for Review of Los Angeles Unified School District; Request for Waiver of Mason Public School District; Request for Review of Miles City Unified School District; Request for Waiver of Nottingham School; Request for Review of Swampscott Public Schools.

[33] *See* Request for Waiver of Bedford Public Schools; Application for Review of Custer County School District; Request for Review of Manton JT Union Elementary School District; Request for Waiver of Philadelphia-Montgomery Christian Academy.

[34] *See* Request for Review of Anchorage School District; Request for Review of Brunswick County Schools; Request for Review of Columbia Union School District; Request for Review of Danville City School District; Request for Review of Helena Public School District No. 1; Request for Review of Howell Township Public Schools; Request for Review of Latch School Inc.; Request for Review of North Scott Community School District; Request for Review of The School District of Palm Beach County; Request for Review of United School District.

[35] In the Request for Review of Butternut School District (Butternut), we find that USAC erred in denying the school district funding for telecommunications services. The certification date of Butternut's FCC Form 471 was February 4, 2004, after the January 16, 2004 allowable contract date. In the Request for Review of United School District (United), we find that USAC also erred in denying United's funding. The FCC Form 470 filed by United School District for the services at issue indicated that the applicant was seeking a multi-year contract.

[36] *See* 47 C.F.R. § 54.504(b)(4).

these appeals and found that a waiver is warranted based on the circumstances presented and based on the facts that there is no evidence of waste, fraud or abuse. The goal of the competitive bidding process is to ensure that funding is not wasted because an applicant agrees to pay a higher price than is otherwise commercially available. We find no indication in the record that, as a result of these errors, applicants benefited from their mistakes or that any service provider was harmed. Specifically, there is no evidence in the record that other bids were not considered because these applicants did not fully comply with our competitive bidding rules. We find that the policy underlying these rules, therefore, was not compromised due to Petitioners' errors. In fact, those Petitioners with multi-year contracts complied with our competitive bidding rules when their requests for service were initially posted. Furthermore, we find that several of these Petitioners, while not waiting the full 28 days before entering into an agreement, only missed the 28-day deadline by a minimal number of days (*i.e.*, one to three days) and therefore their requests for discounted services were subject to competitive bidding for a meaningful period of time. While we emphasize that our competitive bidding rules are important to ensure a fair bidding process, we find that denying these Petitioners requests for funding would create undue hardship and prevent these potentially otherwise eligible schools and libraries from receiving E-rate funding. We therefore find that good cause exists to grant Petitioners a waiver of section 54.504(b)(4) of our rules.[37] Accordingly, we grant and remand these appeals to USAC for further processing consistent with this Order.[38]

10. Although we find that good cause exists to grant waivers of the Commission's rules for the Petitioners described above, we deny the appeal of Adel-Desoto-Minburn Community School District (Adel) for failing to adhere to the Commission's competitive bidding rules.[39] Adel said it did not file a new FCC Form 470 in Funding Year 2002 because the window for FCC Form 470s was closed.[40] Instead, Adel cited to an FCC Form 470 it had filed three years earlier. Commission rules require applicants to file a new FCC Form 470 for posting each year, with minor exceptions.[41] As a result, Adel did not file an FCC Form 470 in Funding Year 2002 to be posted on USAC's website for 28 days to solicit competitive bids for its services.[42] We find that the particular facts of this case do not rise to the level of special circumstances required for a deviation from the general rule.[43] Unlike the other Petitioners, Adel's violation of the 28-day rule was not a result of a clerical error or misunderstanding of our competitive bidding rules. Adel circumvented the competitive bidding process by not soliciting bids in the year for which it sought services. As a result, Adel's contract with its service provider was never subject to the competitive bidding process. We therefore deny Adel's petition for review.

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[37] 47 C.F.R. § 54.504(b)(4).

[38] During post-funding review, USAC determined that Atlantic County Library System (Atlantic), Los Angeles Unified School District (Los Angeles); and Swampscott School District (Swampscott) had agreements with their service providers prior to the allowable contract date, and that Kennewick School District (Kennewick) provided the wrong classification of service on its FCC Form 470, both violations of the Commission's competitive bidding rules. Los Angles, Swampscott and Kennewick were then subject to funding commitment adjustments by USAC which rescinded their funding commitments. In light of our decision, we direct USAC to discontinue recovery actions against Atlantic, Los Angeles, Swampscott and Kennewick.

[39] *See* Request for Review of Adel-DeSoto-Minburn Community School District.

[40] *Id.* at 1.

[41] There is a limited exception for existing, binding contracts. *See* 47 C.F.R. § 54.511(c).

[42] *Id*.

[43] *See Request for Review of the Decision of the Universal Service Administrator by Henrico County School District, Richmond, Virginia, Federal-State Joint Board on Universal Service*, File No. SLD-209204, CC Docket No. 96-45, Order, 17 FCC Rcd 706 (APD 2002) (denying a request for review where applicant relied upon a an FCC Form 470 posted in Funding Year 3 in support of its Funding Year 2 service requests).

11. We emphasize the limited nature of this decision. As discussed above, the competitive bidding rules ensure more efficient pricing for telecommunications and information services purchased by schools and libraries.[44] Many other E-rate applicants fully complied with these rules, and our action here does not eliminate the 28-day competitive bidding requirement. Applicants are not free to disregard the 28-day rule based on their own determination that only one service provider can provide the desired services—they must use the bidding process to determine whether this is the case. In addition, we note that, in the *Comprehensive Review NPRM*, we started a proceeding to address, among other things, potential streamlining of the application and competitive bidding process for the schools and libraries support mechanism.[45] In the interim, all applicants must comply with our current rules and procedures and continue to submit complete and accurate information to USAC as part of the application review process. Applicants who have questions about the competitive bidding process or who need technical support should contact USAC for clarification and assistance.

12. Further, beginning in Funding Year 2007, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Forms 471 that make it appear that the applicants violated the 28-day rule.[46] 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. Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile their FCC Form 471.[47] The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should provide sufficient time for applicants to correct unintentional ministerial and clerical errors.[48] The opportunity for applicants to amend their filings to cure these types of errors will also improve the efficiency and effectiveness of the Fund and reduce the occurrence of circumstances justifying waivers such as those granted above. Because applicants who are eligible for funding will now receive funding where previously it was denied for ministerial or clerical errors, we will ensure that funding is distributed first to the applicants who are determined by our rules to be most in need of funding. As a result, universal service support will be received by schools in which it will have the greatest impact for the most students. Furthermore, the opportunity to amend the application will improve the efficiency of the schools and libraries program. If USAC helps applicants file correct and complete applications initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues. Therefore, we believe this additional opportunity to cure inadvertent administrative, ministerial, and clerical errors on applications will improve the administration of fund.

13. Finally, we are committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, this action in no way affects the authority of the Commission or USAC to conduct audits and investigations to determine compliance with the E-rate program rules and

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[44] *See supra* para. 6.

[45] *Comprehensive Review NPRM,* 20 FCC Rcd at 11325, para. 40.

[46] USAC shall also apply this 15-day opportunity to applications with these types of appeals currently before USAC. *See Bishop Perry Order*, 21 FCC Rcd at 5326, para. 23.

[47] 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.

[48] We note that applicants will retain the ability to appeal decisions denying funding requests on the grounds discussed herein.

requirements. Because audits or investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or our rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or our rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under the Commission's procedures and in cooperation with law enforcement agencies.

IV. ORDERING CLAUSES

14. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that 47. C.F.R. §§ 54.504(b)(4) and (c) ARE WAIVED, to the extent detailed herein.

15. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that, with the exception of the Request for Review filed by Adel-Desoto-Minburn, Adel, Iowa, the Requests for Review and/or Requests for Waiver filed by the Petitioners as listed in the Appendix ARE GRANTED and REMANDED to USAC for further consideration in accordance with the terms of this Order.

16. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Request for Review filed by Adel-Desoto-Minburn, Adel, Iowa, IS DENIED.

17. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that USAC SHALL COMPLETE its review of each remanded application listed in the Appendix and SHALL ISSUE an award or a denial based on a complete review and analysis no later than 120 calendar days from release of this Order.

18. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release, in accordance with section 1.103 of the Commission's rules, 47 C.F.R. § 1.103.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Appendix

28-Day Competitive Bidding Requirement Violations

Applicant	Application Number	Funding Year	Type of Appeal
Aberdeen School District Aberdeen, WA	297249	2002	Application for Review
Abilene Free Public Library Abilene, KS	475678	2005	Request for Review
Adel-DeSoto-Minburn Community School District Adel, IA	312456	2002	Request for Review
Anchorage School District Anchorage, AK	359931	2003	Request for Review
Albany Public Library Albany, NY	264946, 264948, 264968, 264975	2001	Petition for Reconsideration
Atlantic County Library System Mays Landing, NJ	210563	1999	Request for Review
Augusta County School District Fisherville, VA	468711	2005	Request for Review
Bank Street School for Children New York, NY	266720	2001	Request for Review
Bath School Department Bath, ME	394135	2004	Request for Review
Bedford Public Schools Temperance, MI	383870	2003	Request for Waiver
Bethlehem Area Public Library Bethlehem, PA	476706	2005	Request for Review
B.F. Jones Memorial Library Aliquippa District Library Center Aliquippa, PA	462310	2005	Request for Review
Brunswick County Schools Brunswick, NC	402426	2004	Request for Review

Butternut School District Butternut, WI	427879	2004	Request for Review
Calumet City Public Library Calumet City, IL	397978	2004	Request for Review
Chippewa Hills School District Remus, MI	458210	2005	Request for Review
Chowchilla Union High School District Chowchilla, CA	286755	2002	Request for Review
Clark Township School District Clark, NJ	329953	2002	Request for Review
Columbia Union School District Columbia, CA	476940	2005	Request for Review
Cooperative Educational Service Agency No. 7 Green Bay, WI	434930, 431367	2004	Request for Waiver
Cumberland County School District Burkesville, KY	422037	2004	Request for Review and/or Waiver
Custer County School District Westcliffe, CO	408862	2004	Application for Review
Dallas County School District 1 Buffalo, MO	450565	2005	Request for Review
Danville City School District Danville, VA	377368[49]	2003	Request for Review
David Douglas School District 40 Portland, OR	488132	2005	Request for Review
Ewing Public Schools Ewing, NE	389540	2004	Request for Review
Graham Independent School District Graham, TX	231786	2001	Request for Review

[49] The relief granted to Danville City School District applies only to the 28-day competitive bidding violation in Funding Request Number 1044175.

Helena Public School District No. 1 Helena, MT	329699	2002	Request for Review
Howell Township Public Schools Howell, NJ	355805	2003	Request for Review
Hydaburg City School Hydaburg, AK	445230	2005	Request for Review
Islesboro School District Islesboro, ME	267529	2001	Request for Waiver
Jackson-Hinds Library System Jackson, MS	364529	2003	Request for Review
Johnson Elementary School Johnson, VT	419684	2004	Request for Review
Kennewick School District Kennewick, WA	289973	2002	Request for Review
Latch School Inc. Phoenix, AZ	407909	2004	Request for Review
Los Angeles Unified School District Los Angeles, CA	154262, 153035, 153020	1999	Request for Review
Madawaska School District Madawaska, ME	471143	2005	Request for Review
Maine School Administration District No. 9 New Sharon, ME	292956	2002	Request for Review
Manton JT Union Elementary School District Manton, CA	472608	2005	Request for Review
Marvin L. Winans Academy of Performing Arts Detroit, MI	340426	2003	Request for Waiver
Mason Public School District Mason, MI	502936	2006	Request for Waiver
Miles City Unified School District Miles City, MT	409073	2004	Request for Review

Milton School District Tilton, NH	382043	2003	Request for Review
Modesto City Schools Modesto, CA	447375	2005	Request for Review
Nelson Public School District Nelson, NV	355307	2003	Request for Review
Norborne R-VIII School District Norborne, MO	342549	2003	Request for Review
North Scott Community School District Eldridge, IA	405789	2004	Request for Review
Nottingham School Nottingham, NH	434790	2004	Request for Waiver
Onondaga-Cortland Madison BOCES Syracuse, NY	296555	2002	Request for Review
Philadelphia-Montgomery Christian Academy Erdenheim, PA	330476	2002	Request for Waiver
Princeton R-5 School Princeton, MO	386867	2004	Request for Review
Prosser School District No. 116 Prosser, WA	469478	2005	Request for Review
Rapides Parish Library Alexandria, LA	488334	2005	Request for Review
Reform Public Library Reform, AL	361356	2003	Request for Waiver
Richland School District Richland, WA	373134	2002	Request for Review
Swampscott Public Schools Swampscott, MA	325959	2002	Request for Review
Sycamore Community Schools Cincinnati, OH	461129	2005	Request for Review

The School District of Palm Beach County West Palm Beach, FL	328065	2002	Request for Review and/or Request for Waiver
United School District Armagh, PA	472451	2005	Request for Review
Waverly City Schools Waverly, OH	444786	2005	Request for Review and/or Waiver
Western Ohio Computer Organization Sidney, OH	350140	2003	Request for Review
White Settlement Independent School District White Settlement, TX	423543	2004	Request for Review
Willits Charter School Willits, CA	440944	2005	Request for Review

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 13 - Huffington Post - 3-28-10

THE HUFFINGTON POST
THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY

Schools In Trouble: Layoffs Could Top 20,000 In State School Districts

First Posted: 03-28-10 10:48 AM | Updated: 03-29-10 01:38 PM

Larger class sizes. Fewer sports and arts programs. No more special treatment for gifted, special-ed and ESL students.

These are some of the many hard decisions school districts across the state are making, as a statewide budget crisis hits the education sector especially hard.

A coalition of education groups predicts more than 20,000 layoffs at Illinois schools, based on surveys sent to 944 districts statewide. More than half of the job cuts are certified teachers.

"What looms this school year is devastating for all of Illinois. It's going to significantly diminish the quality of education throughout the state," said Charlie McBarron, spokesman for the Illinois Education Association, according to the *Chicago Sun-Times*.

The state of Illinois already owes an enormous amount of money to school districts statewide. By far its biggest obligation, from the same *Sun-Times* report, is to Chicago; the state owes Chicago Public Schools over $250 million. Overall, state comptroller spokesman Alan Henry told the *Daily Herald* that Illinois is behind $782 million in payments to schools.

And the 2010-2011 budget doesn't paint any rosier of a picture for education. In fact, Gov. Quinn's proposed budget includes deep cuts from schools, which would be offset by his proposed income-tax increase. Critics of the plan say the governor is holding schools hostage to force the legislature to support the tax hike.

Either way, teacher layoffs are coming at districts across the state. The *Sun-Times* reports Chicago will be cutting 3,200 teachers; the second-largest district, Elgin School District U-42, will make over 1,000 layoffs.

The most obvious remedy for fewer teachers is larger classes. Studies show that small differences in class size have a negligible impact on quality of education, according to a *Chicago Tribune* report -- but parents are still strongly opposed to making classes larger.

Administrators have assured them that the modest increases being proposed at many schools won't make a significant difference -- and research largely backs them up. Still, parents across the region are venting frustration at school board meetings and pleading for teachers to negotiate lower salaries to save jobs.

Case in point: In Highland Park, school officials thought they could trim $300,000 off a growing deficit by adding one or two students to elementary classrooms. They quickly backed off the proposal after running into a storm of opposition.

With class-size increases largely off the table, program cuts are the equally unpleasant alternative that schools find themselves left with. The *Sun-Times*reports:

Indeed, districts such as west suburban Morton High School District 201 are axing athletics and student activities. CPS has targeted non-varsity sports. Elgin has cut teams and shut down swimming pools.

Other districts, like Queen Bee District 16 in southwest suburban Glendale Heights and Somonauk Community Unit School District 432 in the south suburbs, have wiped out art and music programs.

Plainfield Community Consolidated School District 202 is getting rid of band for fifth-graders. In Cary, it's gifted programs. In Kankakee, bilingual ed and reading programs will go. And CPS is taking the knife to pre-school.

If Gov. Quinn's political plan fails -- or even if it succeeds -- this is likely only the beginning of a long round of harsh realities that Illinois public schools will face in the years to come.

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 15 - Alpaugh_rvw-ddln-violns_3-28-07

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

In the Matter of	)	
	)	
Requests for Review of the Decision of the Universal Service Administrator by	)	
	)	
Alpaugh Unified School District, Alpaugh, CA, *et al.*	)	File Nos. SLD-523576, *et al.*
	)	
Schools and Libraries Universal Service Support Mechanism	)	CC Docket No. 02-6
	)	

ORDER

Adopted: March 22, 2007 **Released: March 28, 2007**

By the Commission: Commissioner McDowell issuing a statement.

1. In this Order, we grant 78 appeals of decisions by the Universal Service Administrative Company (USAC) reducing or denying funding from the schools and libraries universal service support mechanism (also known as the E-rate program) on the grounds that applicants failed to respond to USAC's requests for information within the USAC-specified time frame.[1] As explained below, in each case we find good cause to grant the appeals and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendix and issue an award or denial based upon a complete review and analysis no later than 120 days from the release of this Order. In addition, we direct USAC to develop outreach procedures designed to better inform applicants of the additional information that may be needed and to provide applicants with a 15-day opportunity to respond to such request.

2. *Background*. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.[2] USAC examines applications for discounted services to ensure that only eligible services are funded, and such scrutiny may result in requests by USAC for additional information from applicants. Absent the applicant providing such additional information, USAC may deny the application for failure to demonstrate that the services in question are eligible for support.

3. Given the volume of applications and other submissions that USAC processes and reviews each year, it is necessary for USAC to establish measures to ensure prompt resolution of applications. One such measure in place is an administrative procedure permitting USAC to request additional

[1] The list of Petitioners is attached in the Appendix. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

[2] 47 C.F.R. §§ 54.501-54.503.

information from applicants.[3] USAC requires that a response to all of its requests for additional or clarifying information or documentation be made within seven days of the applicant being contacted, unless the deadline is explicitly extended by USAC.[4] If this deadline is not met, or the response provided is incomplete, USAC makes a funding determination based on the information it has in its possession.

4. *Discussion*. In this Order, we grant 78 appeals of decisions reducing or denying requests for funding from the E-rate program and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order.[5] Petitioners' requests for funding were denied or reduced because applicants failed to respond to USAC's requests for information within the specified time frame. Petitioners generally argue that they did not actually receive the requests from USAC for additional information,[6] that they submitted the requested information to USAC,[7] that they requested a

[3] *See Request for Review by Boone County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* File No. USAC-220067, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22467, 22469, para. 5 (Wireline Comp. Bur. 2002) (Boone County Order); *Request for Review by Henryetta Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* File No. USAC-268075, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 17423, 17424, para. 3 (Wireline Comp. Bur. 2002).

[4] *See* SLD website, www.sl.universalservice.org/reference/deadline.asp>, (visited December 11, 2006), *see also Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* File No. USAC-220105, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 4520, 4522, para. 6 (Wireline Comp. Bur. 2003).

[5] *See* Appendix.

[6] *See* Request for Review by Alice Ward Memorial Library; Request for Review by Bais Yaakov High School of Chicago; Request for Review by Canon City Schools; Request for Review by Cleora Public School; Request for Review by Cotulla Independent School District; Request for Review by Diboll Independent School District; Request for Review by Evangelical Children's Home; Request for Review by Fairfax School District; Request for Review by Fairland Public Schools; Request for Review by Glassboro Public School District; Request for Review by Grass Lake Community School District; Request for Review by Lubavitch Yeshiva of Minnesota-Wexler Learning Institute; Request for Review by Marvin L. Winans Academy of Performing Arts; Request for Review by Pleasantville School District; Request for Review by Toras Imecha; Request for Review by Vicksburg Warren School District; and Request for Review by Yeshiva Beth Yitzchok D'Spinka.

[7] *See* Request for Review by Beaver Area School District; Request for Review by Berrien County Schools; Request for Review by Boone County School District; Request for Review by Brewster Central School District; Request for Review by Charleston County School District; Request for Review by Cherry Creek Schools; Request for Review by Colegio Dr. Roque Diaz; Request for Review by Delta-Schoolcraft Intermediate School District; Request for Review by Devereux Foundation; Request for Review by DINE Southwest High School; Request for Review by District of Columbia Public Schools; Request for Review by East Cleveland School District; Request for Review by Eastern Upper Peninsula Independent School District; Request for Review by East Orange Community Charter School; Request for Review by Educational Institute Oholei Torah; Request for Review by Florence City School District; Request for Review by Franklin Township School District; Request for Review by Greater Johnstown AVTS; Request for Review by Jennings County Schools; Request for Review by Lake Erie Educational Computer Association; Request for Review by Leominster Public Schools; Request for Review by Long Valley Charter School; Request for Review by Lynd Public School; Request for Review by Madison-Oneida Board of Cooperative Educational Services; Request for Review by Madison-Plains Local School District; Request for Review by The Mesorah School; Request for Review by The Mill School; Request for Review by Milltown School District; Request for Review by Montezuma-Cortez School District RE-1; Request for Review by Oak Hills Local School District; Request for Review by Oakland Unified School District; Request for Review by Petersburg Independent School District; Request for Review by Point Pleasant Schools; Request for Review by Rylie Family Faith Academy Consortium; Request for Review by Silo Public Schools; Request for Review by St. John's County School District; Request for Review by Saint Martin de Porres Church; Request for Review by Taft School District; Request for Review by Wellsville Local School District; Request for Review by Winn Parish School District; and Request for Review by Youthbuild Albuquerque.

deferral over the summer,[8] or that a staffing problem prevented them from submitting the requested information.[9]

5. Balancing the facts and the circumstances of these specific cases as described below, we find that good cause exists to grant these appeals and remand them back to USAC for further processing. Importantly, these appeals involved a procedural error on the part of the Petitioners, not a failure to adhere to a core program requirement or a misuse of funds. As the Commission has noted previously, given that any violations that occurred were procedural, not substantive, we find that the complete rejection of these applications is not warranted.[10] Furthermore, these appeals involved a processing deadline, not a program rule. Although deadlines are necessary for the efficient administration of the program, in these cases, the applicants have demonstrated that rigid adherence to such procedures does not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.[11] We also note that grant of these appeals should have a minimal impact on the Universal Service Fund because the monies needed to fund the underlying applications, should they all be fully funded, have already been collected and held in reserve.[12] We therefore find that good cause exists to grant and remand these appeals. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services. To ensure these issues are resolved expeditiously, we direct USAC to complete its review of the applications listed in the Appendix and issue an award or a denial based on a complete review and analysis no later than 120 calendar days from release of this Order.

6. We emphasize the limited nature of this decision. As stated above, we recognize that filing deadlines are necessary for the efficient administration of the schools and libraries E-rate program. Although we grant the subject appeals before us, our action here does not eliminate USAC's deadlines for processing applications.[13] In addition, this decision is not intended to reduce or eliminate any application review procedures or lessen the program requirements that applicants must comply with to receive funding. We continue to require E-rate applicants to submit, complete and accurate information to USAC

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[8] *See* Request for Review by Bethlehem Area School District; Request for Review by De Soto Unified School District 232; and Request for Review by University Academy.

[9] *See* Request for Review by Alpaugh Unified School District; Request for Review by Crockett Independent School District; Request for Review by Cypress Heights Academy; Request for Review by Griffin Foundation Inc.; Request for Review by Jessamine County Schools; Request for Review by Oberlin Unified School District No. 294; Request for Review by Pelham City Public Schools; Request for Review by Perry Unified School District 343; and Request for Review by Scranton School District.

[10] *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, Schools and Libraries Universal Service Support Mechanism,* File Nos. SLD-487170, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5319, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

[11] 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

[12] We estimate that the appeals granted in this Order involve applications for approximately $45 million in funding for Funding Years 2000-2006. We note that USAC has already reserved sufficient funds to address outstanding appeals. *See, e.g.,* Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Second Quarter 2007 (dated Jan. 31, 2007).

[13] We note that the Commission has initiated a proceeding to address whether particular deadlines should be modified. *Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 05-124, para. 29 (2005) (*Comprehensive Review NPRM*).

in a timely fashion as part of the application review process. However, beginning with applications for funding year 2007, we require USAC in each instance to detail in writing and with specificity to the applicant any information or documentation USAC is seeking. In addition, USAC shall permit applicants to provide the information to USAC within 15 calendar days from the date of receipt of the written notice from USAC that additional information is required.[14]

7. Finally, we are committed to guarding against waste, fraud, and abuse, and to ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, this action in no way affects the authority of the Commission or USAC to conduct audits or investigations to determine compliance with the E-rate program rules or requirements. Because audits and investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or Commission rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or the Commission's rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal process. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under the Commission's procedures and in cooperation with law enforcement agencies.

8. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, the Requests for Review as listed the Appendix ARE GRANTED and REMANDED to USAC for further consideration in accordance with the terms of this Order.

9. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, USAC SHALL COMPLETE its review of each remanded application listed in the Appendix and SHALL ISSUE an award or a denial of each application based on a complete review and analysis no later than 120 calendar days from release of this Order.

10. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release, in accordance with section 1.103 of the Commission's rules, 47 C.F.R. § 1.103.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[14] Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC shall continue, however, to work beyond the 15 days with applicants attempting in good faith to submit the necessary documentation.

APPENDIX

Applicant	Application Number	Funding Year
Alpaugh Unified School District Alpaugh, CA	523576	2006
Alice Ward Memorial Library Canaan, VT	487811	2005
Bais Yaakov High School of Chicago Chicago, IL	234381	2001
Beaver Area School District Beaver, PA	526862	2006
Berrien County School District Nashville, GA	426240	2004
Bethlehem Area School District Bethlehem, PA	532028, 532117, 534228, 534843, 534980, 535090	2006
Bethlehem Area School District Bethlehem, PA	533726, 533860, 533981, 534601, 534316	2006
Bethlehem Area School District Bethlehem PA	534078	2006
Boone County School District Madison, WV	338632	2003
Brewster Central School District Brewster, NY	398144	2004
Canon City School District RE-1 Canon City, CO	422001	2004
Charleston County School District Charleston, SC	399988, 400066, 400095, 400135, 400148, 400166, 400185, 400199, 420054, 420158, 420266, 421719, 421919, 423536, 424838, 429071	2004
Cherry Creek School District 5 Englewood, CO	226427	2001
Cleora Public School Afton, OK	466824	2005
Colegio Dr. Roque Diaz Yabucoa, PR	414245	2004
Cotulla Independent School District Cotulla, TX	320087	2002

Crockett Independent School District Crockett, TX	504311, 506302, 524164, 524195, 527805, 527831, 527849, 527885, 527903, 530689, 532849	2006
Cypress Heights Academy Baton Rouge, LA	533588, 537630, 537700	2006
Delta-Schoolcraft Intermediate School District	538357	2006
De Soto Unified School District 232 De Soto, KS	476682	2005
Devereux Foundation King of Prussia, PA	538789	2006
Diboll Independent School District Diboll, TX	430473	2004
DINE Southwest High School Winslow, AZ	398842	2004
District of Columbia Public Schools Washington, DC	393708	2004
East Cleveland School District, East Cleveland, OH	4233380, 423397	2004
Eastern Upper Peninsula Independent School District Sault St. Marie, MI	471037, 469866	2005
East Orange Community Charter School East Orange, NJ	415781	2004
Educational Institute Oholei Torah Brooklyn, NY	382666	2003
Evangelical Children's Home St. Louis, MO	392392	2004
Fairfax School District Bakersfield, CA	477012	2005
Fairfax School District Bakersfield, CA	478082	2005
Fairfax School District Bakersfield, CA	478152	2005
Fairland Public Schools Fairland, OK	463624	2005
Fairland Public Schools Fairland, OK	466913	2005
Florence City School District Florence, AL	464775	2005
Franklin Township School District Somerset, NJ	474034	2005

Glassboro Public School District Glassboro, NJ	487609	2005
Grass Lake Community School District Tecumseh, MI	514283	2006
Greater Johnstown AVTS Johnstown, PA	533504	2006
Griffin Foundation Inc. Tucson, AZ	486140	2005
Jennings County Schools North Vernon, IN	522029	2005
Jessamine County Schools Nicholasville, KY	498994	2005
Lake Erie Educational Computer Association Elyria, OH	387075	2004
Leominster Public Schools Leominster, MA	372922	2003
Long Valley Charter School Doyle, CA	410086	2004
Lubavitch Yeshiva of Minnesota-Wexler Learning Institute St. Paul, MN	266085	2001
Lynd Public School Lynd, MN	393043	2004
Madison-Oneida Board of Cooperative Educational Services Verona, NY	312009	2002
Madison-Plains Local School District London, OH	524383	2005
Marvin L. Winans Academy of Performing Arts Detroit, MI	500983	2006
Milltown School District Monsey, NY	470851	2005
Montezuma-Cortez School District RE-1 Cortez, CO	414192	2004
Oak Hills Local School District Cincinnati, OH	463594	2005
Oakland Unified School District Novato, CA	263553	2001
Oakland Unified School District	327574, 327579, 327586	2002

Oakland, CA		
Oberlin Unified School District No. 294 Oberlin, KS	460015	2005
Pelham City Public Schools Pelham, GA	362302	2003
Perry Unified School District 343 Perry, KS	532787	2006
Petersburg Independent School District Petersburg, TX	446593	2005
Pleasantville School District Broomall, PA	484579, 485093, 485464	2005
Point Pleasant Schools Point Pleasant, NJ	457647	2005
Rylie Family Faith Academy Consortium Dallas, TX	425796	2004
Saint Martin de Porres Church Philadelphia, PA	359750	2003
Scranton School District Scranton, PA	530269	2006
Silo Public Schools Allen, OK	443976	2005
St. Johns County District St. Augustine, FL	409719, 411916	2004
St. Johns County School District St. Augustine, FL	409805	2004
Taft School District Lockport, IL	501995	2006
The Mesorah School Brooklyn, NY	382513	2003
The Mill School Baltimore, MD	354229	2003
Toras Imecha Lakewood, NJ	404918, 421609	2004
University Academy Lawrence, KS	486799, 486829	2005
Vicksburg Warren School District Vicksburg, MS	265505	2001
Wellsville Local School District Wellsville, OH	512851	2006
Winn Parish School District Winnfield, LA	427753	2004
Yeshiva Beth Yitzchok D'Spinka	262909	2001

Brooklyn, NY		
Youthbuild Albuquerque Philadelphia, PA	524250	2006
Youthbuild Albuquerque Philadelphia, PA	524253	2006

STATEMENT
COMMISSIONER ROBERT M. McDOWELL

Re: Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14, Commerce City, CO, et al., and Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6

Re: Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District, Alpaugh, CA, et al., and Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6

Re: Requests for Review or Waiver of the Decision of the Universal Service Administrator by Brownsville Independent School District, Brownsville, TX, et al., and Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6

By adopting these three orders, we are granting 182 appeals of decisions taken by the Universal Service Administrative Company (USAC) that reduced or denied funding by applicants of the schools and libraries universal service mechanism. This program promotes the noble goal of assisting schools and libraries in the United States to obtain affordable telecommunications and Internet access. I support these decisions for several reasons. First, each of these appeals involves technicalities in the USAC procedures. Our actions here do not substantively alter the eligibility of the Schools and Libraries program. Furthermore, we find no indication of any intention to defraud the system on the part of any of these applicants. Also, our decisions and USAC's actions on appeal should have minimal effect on the level of the Universal Service Fund, because USAC has already reserved sufficient funds to take into account pending appeals. Finally, I am pleased that we impose reasonable time limits on USAC to address these cases on appeal so they can be resolved expeditiously.

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 16 - WHarvey_FY12_471_687578_FCDL_3-23-10

USAC
Universal Service Administrative Company

Schools and Libraries Division

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

March 23, 2010

Sharlyne Williams
WEST HARVEY-DIXMOOR P S D 147
191 W 155TH PL
HARVEY, IL 60426

Re: Form 471 Application Number: 687578
Billed Entity Number (BEN): 135538
Billed Entity FCC RN: 0005007653
Applicant's Form Identifier: YR12-471-Telecol

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 Commitmer Report(s) (Report) at the end of this letter is as follows.

- The amount, $6,534.97 is "Approved."
- The amount, $97,357.03 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is alsc 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 appea

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 687578 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. 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. 02-6 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 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: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

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

Form 471 Application Number: 687578
Funding Request Number: 1882551
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 166110000705713
SPIN: 143001912
Service Provider Name: Illinois Bell Telephone Company
Contract Number: N/A
Billing Account Number: 708 339-9500
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/12/2009
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1121917
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $88,254.48
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $88,254.48
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: DR1: The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules. <><><><><> DR2: The vendor selection documentation provided was created after the Form 471 certification was filed. The vendor evaluation documentation must be completed prior to the certification of the Form 471.

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

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

Form 471 Application Number: 687578
Funding Request Number: 1882553
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 166110000705713
SPIN: 143011191
Service Provider Name: U.S. Cellular
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: 02/12/2009
Contract Expiration Date: 06/30/2011
Shared Worksheet Number: 1121917
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $15,960.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $15,960.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: DR1: The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules.

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

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

Form 471 Application Number: 687578
Funding Request Number: 1882558
Funding Status: Funded
Category of Service: Internet Access
Form 470 Application Number: 911950000659030
SPIN: 143003990
Service Provider Name: Comcast Business Communications
Contract Number: IL-12031-020408-41
Billing Account Number: 708 339-9500
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/07/2008
Contract Expiration Date: 06/30/2013
Shared Worksheet Number: 1121917
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $7,261.08
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $7,261.08
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $6,534.97 - FRN approved as submitted

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

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

Form 471 Application Number: 687578
Funding Request Number: 1903523
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 166110000705713
SPIN: 143025073
Service Provider Name: SBC Long Distance, LLC.
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: 02/12/2009
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1121917
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $3,960.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $3,960.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: DR1: The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules.

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 17,18 - WHarvey_FY12_471_687588_FCDL_3-23-10

USAC
Universal Service Administrative Company

Schools and Libraries Division

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

March 23, 2010

Sharlyne Williams
WEST HARVEY-DIXMOOR P S D 147
191 W 155TH PL
HARVEY, IL 60426

Re: Form 471 Application Number: 687588
Billed Entity Number (BEN): 135538
Billed Entity FCC RN: 0005007653
Applicant's Form Identifier: YR12-471-Maintl

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 Commitm Report(s) (Report) at the end of this letter is as follows.

- The amount, $57,510.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is al 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
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TO APPEAL THIS DECISION:

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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 tl 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 687588 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.

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

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OBLIGATION TO PAY NON-DISCOUNT PORTION

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NOTICE ON RULES AND FUNDS AVAILABILITY

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Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 687588
Funding Request Number: 1882578
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 166110000705713
SPIN: 143020950
Service Provider Name: Morgan, Birge & Associates, 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: 02/12/2009
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1121944
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $41,100.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $41,100.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: MR1: FRN modified in accordance with a RAL request. <><><><><> DR1: The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules. <><><><><> DR2: The vendor selection documentation provided was created after the contract award date. The vendor evaluation documentation must be completed prior to the contract award date. <><><><><> DR3: The applicant did not respond to potential bidders with sufficient additional information in order for them to submit a viable bid prior to the bid closing which prevented fair and open competition and violated program rules.

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: WEST HARVEY-DIXMOOR P S D 147
BEN: 135538
Funding Year: 2009

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 687588
Funding Request Number: 1882585
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 166110000705713
SPIN: 143020950
Service Provider Name: Morgan, Birge & Associates, 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: 02/12/2009
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1121944
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $22,800.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $22,800.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: DR1: The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules. <><><><><> DR2: The vendor selection documentation provided was created after the contract award date. The vendor evaluation documentation must be completed prior to the contract award date. <><><><><> DR3: The applicant did not respond to potential bidders with sufficient additional information in order for them to submit a viable bid prior to the bid closing which prevented fair and open competition and violated program rules.

FCDL Date: 03/23/2010
Wave Number: 045
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/201

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 19 - WHarvey_FY12_687578-687588_Appeal-Letter

West Harvey – Dixmoor School District #147

191 W. 155th Place
Harvey, Illinois 60426-3426

May 24, 2010

Letter of Appeal

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

Re: Appeal of Funding Commitment Decision Letters – Funding Year 2009, Form 471 Application Numbers 687578 and 687588, Issued on March 23, 2010

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Application Information

Entity: West Harvey – Dixmoor School District #147
Billed Entity Number: 135538
Funding Year: FY12 (2009-2010)

Form 471 Application Number	Funding Request Number	Funding Commitment Request	FCDL Decision Being Appealed
687578[1]			
	1882551	$79,429.03	$0.00 – Selective – Bidding Violation[2]
	1882553	$14,364.00	$0.00 – 28 Day Waiting Period Violated[2]
	1903523	$3,564.00	$0.00 – 28 Day Waiting Period Violated[2]
687588[3]			
	1882578	$36,990.00	$0.00 – Selective – Bidding Violation[4]
	1882585	$20,520.00	$0.00 – Selective – Bidding Violation[4]
Total Funding Commitment Request		$154,867.03	

Documents Being Appealed: Funding Commitment Decision Letters (FCDL) dated March 23, 2010, for 471 # 687578 and 687588

[1] FCC Form 471 # 687578, funding year 7/1/2009 – 6/30/2010, posted and certified on 2/12/2009 by West Harvey – Dixmoor School District #147.

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sharlyne Williams, West Harvey – Dixmoor School District #147, dated March 23, 2010, Funding Commitment Decision Letter (FCDL), Form 471 Application Number: 687578.

[3] FCC Form 471 # 687588, funding year 7/1/2009 – 6/30/2010, posted and certified on 2/12/2009 by West Harvey – Dixmoor School District #147.

[4] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sharlyne Williams, West Harvey – Dixmoor School District #147, dated March 23, 2010, Funding Commitment Decision Letter (FCDL), Form 471 Application Number: 687588.

Appeal:

West Harvey – Dixmoor School District #147 (West Harvey) requests the Schools and Libraries Division (SLD) reverse its decision to deny funding to FRNs 1882551, 1882553, 1903523, 1882578, and 1882585 and approve the requested funding of $154,867.03. There are three Funding Commitment Decision Explanations given by SLD in its denials of these FRNs; we will contest each Explanation below.

One common thread connects these three denial reasons – the lack of e-rate knowledge on the part of Ms. Williams, her reliance on an e-rate consultant for such knowledge, and the failure of the consultant to provide competent advice. Ms. Williams is the Business Manager for West Harvey, and is not a dedicated e-rate or fund raising professional. This was only the second funding year that Ms. Williams was involved with the e-rate application process. In FY 2008-09, a former staff member was responsible for the details of the process; with the departure of that staff person, Ms. Williams hired a consultant in an attempt to cope with the complexities of the e-rate system. As will become clear below, Ms. Williams was poorly served by the consultant in some crucial areas that created a perception that West Harvey was out of compliance with e-rate rules, leading to denial of the five FRNs.

West Harvey respectfully refers the appeal team to the FCC's *Alpaugh* decision in which the FCC allowed that a "*staffing problem*" (which in Alpaugh USD's case as well as West Harvey's case was an errant e-rate consultant) leading to a "*procedural error*" and "*not a failure to adhere to a core program requirement or a misuse of funds*" was not sufficient cause for denial of funds.[5] We will make it clear below that West Harvey only strayed from e-rate procedures in relatively minor procedural and doumentation matters, and was certainly did not engage in any acts of waste, fraud, or abuse.

"The applicant indicated to prospective bidders a bid deadline date of February 6, 2009 which is prior to the Allowable Contract Date of February 10, 2009 and therefore prior to the expiration of the 28-day waiting period from the day of the posting of the FCC Form 470 to USAC website thus violating program rules."
[Applied to FRNs 1882551, 1882553, 1903523, 1882578, and 1882585; funding denial: $154,867]

On Thursday, February 5, 2009, the contact person for West Harvey, Sharlyne Williams, emailed several potential bidders in an effort to obtain additional bids for the services listed on West Harvey's FY 2009-10 Form 470 # 166110000705713. Ms. Williams emailed only those service providers that had previously contacted West Harvey and had expressed interest in submitting bids, but had not as yet submitted bids. Of these interested potential bidders, the only ones Ms. Williams did not email were those interested in bidding on email, web hosting, or internal connections since Ms. Williams had decided to not to request funding for these services. It is important to note that Ms. Williams did not contact any service providers who had not already contacted West Harvey expressing interest in submitting bids.

The source of Ms. Williams' concern in early February of 2009 was both the paucity of bids and her concern that if she did not receive bids by Friday, February 6th, she would be faced with reviewing numerous bids in only four working days during the week of February 9th before the February 12th close of the 471 window. The e-rate consultant provided Ms. Williams with an email template to send to potential bidders;[6] however, the language

[5] FCC 07-36, March 28, 2007, "Alpaugh Unified School District, Alpaugh, CA, et al.", File Nos. SLD-523576, et al., CC Docket No. 02-6; p. 3.

[6] Email from Jane Kratochvil, consultant at Infinite Connections, to Sharlyne Williams, West Harvey, dated February 5, 2009, 10:57 AM, subject "West Harvey-Dixmoor PSD 147 Form 470 posting". *Note that this is a retransmittal of Ms. Kratochvil's February 3, 2010 email.*

suggested by the consultant could be interpreted as truncating the 28-day waiting period. In point of fact, Ms. Williams never intended to cut that process short, accepting bids as late as February 11th and waiting until February 12th to complete bid evaluations and prepare vendor selection matrices.

All potential bidders were allowed the full 28 days to contact West Harvey; no bidder had its bid turned away for submitting after February 6th, and only one bidder, Telcom Innovations Group (ASK-TIG), complained that they could not submit a bid due to the February 6th date in Ms. Williams email. ASK-TIG had not responded previously to West Harvey's January 13th posting of Form 470 # 166110000705713, but had requested an undefined RFP on December 22, 2008.[7] In their February 6th email,[8] ASK-TIG only requested a copy of an RFP for the internal connections "wiring and data" project, a project Ms. Williams had decided to forego for FY 2009-10.

It is clear that Ms. Williams did not prevent any potential bidders from submitting bids – a number of those that had been in touch with her did submit bids, and only potential bidders who had already communicated with Ms. Williams ever received the email in question. Ms. Williams is guilty of failing to understand the nuances of the e-rate system and the interpretation her email would receive from an SLD reviewer. This is knowledge that the e-rate consultant was hired to provide; Ms. Williams' reliance in this consultant set up a situation that could be misunderstood by the SLD reviewers. Ms. Williams' actions do not rise to the level of violation of e-rate rules; they certainly do not indicate waste, fraud, or abuse, and should not cause West Harvey to be denied $154,867 of badly needed e-rate funds.

West Harvey refers the appeals review team to the FCC's *Aberdeen* ruling,[9] in which the Commission permits minor violations of the 28-day waiting rules so long as there was no impact on the opportunity for potential bidders to submit bids. We point out that, unlike some of the successful appellants in *Aberdeen*, West Harvey respected the full 28-day waiting period; the email in question gave only the appearance of violation of this policy.

West Harvey respectfully points out that loss of such a large amount of funding will severely impact the district's finances, a district in which 92% of the students qualify for free and reduced lunches.[10] With the State of Illinois making massive cuts to districts and with districts forced to lay off roughly 20,000 employees, more than half of whom are teachers,[11] denial of nearly $155 thousand of funds on a procedural matter will "*create undue hardship and prevent these potentially otherwise eligible schools … from receiving E-rate funding*."[12]

"The vendor selection documentation provided was created after the Form 471 certification was filed. The vendor evaluation documentation must be completed prior to the certification of the Form 471."
[Applied to FRNs 1882551, 1882578, and 1882585; funding denial: $136,939]

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[7] Email from Bruce Elmore, ASK-TIG, to Sharlyne Williams, West Harvey, dated December 22, 2008, 8:50 AM, subject "District Technology RFP".

[8] Email from Bruce Elmore, ASK-TIG, to Sharlyne Williams, West Harvey, dated February 6, 2009, subject "RE: Form 470 RFP Bid".

[9] FCC 07-63, May 8, 2007, "Aberdeen School District, Aberdeen, WA, et al.", File Nos. SLD- 297249, et al., CC Docket No. 02-6.

[10] Per Block 4 of Form 471 # 687578, the total NSLP Students for the district's schools is 1,303 and total enrollment is 1,418, yielding a percentage of NSLP Students for the district of 91.89%.

[11] Article posted on The Huffington Post (www.huffingtonpost.com) on March 28, 2010.

[12] FCC "Aberdeen" ruling, p.7.

On February 12, 2009, Ms. Williams reviewed all of the bids and recorded her evaluation scores by hand on evaluation matrices provided by the district's e-rate consultant. Ms. Williams was pressed for time to complete the matrices and execute contracts with the winning bidders. Her haste caused her to produce sloppy and barely legible documents. Desiring to have legible documentation of the evaluation and selection process, on February 17th Ms. Williams copied the original evaluation matrices onto fresh templates, and without realizing the consequences, dated her signature "2/17/09" on all of the re-written matrices.[13] Ms. Williams then made the error of discarding her original matrices, not being aware of their documentation value to SLD reviewers.

As with the situation discussed above regarding emails to potential bidders, Ms. Williams did comply with the essential aspects of the process; however, in this instance her lack of understanding of the finer point of e-rate documentation has cast doubts on her actions.

As the FCC has stated in numerous findings starting with the *Bishop Perry* ruling in May 2006, the denial of funding based on violation of purely clerical or ministerial procedures is not in the interest of the general public. In West Harvey's case, denial of funds on such incidental grounds when there is no evidence of waste, fraud, or abuse will create undue hardship utterly out of proportion to the error.

"The applicant did not respond to potential bidders with sufficient additional information in order for them to submit a viable bid prior to the bid closing which prevented fair and open competition and violated program rules."
[Applied to FRNs 1882578 and 1882585; funding denial: $57,510]

In accordance with USAC rules for preparation of the Form 470, Ms. Williams provided information on Form 470 # 166110000705713 intended to prompt interested service providers to submit bids or to make inquiries for additional information to enable them to submit competent bids. In the case of the FRNs for Basic Maintenance, four service providers (Morgan, Birge & Associates; Matt-Tel Telephone Service; Dr. Computer; and Osineo Network Services) contacted Ms. Williams in response to her Form 470 and arranged for a walk-through of the West Harvey facilities, enabling each of them to submit competent bids. A fifth, GraphTech Systems, opted not to submit a bid.

A sixth bidder, Telcom Innovations Group, contacted Ms. Williams in November and December 2008,[14] requesting an RFP. As was clear for all four services in Form 470 # 166110000705713, no formal RFP was provided. Ms. Williams instead provided ample opportunity to all potential bidders to walk through her facilities to obtain necessary information. However, Telcom Innovations Group did not contact Ms. Williams in response to Form 470 # 166110000705713 for additional information or to arrange a walk-through. In fact, there is no evidence in their February 6th email to Ms. Williams[15] that they had any intention of contacting West Harvey for additional information until she emailed them the evening of the 5th.

West Harvey respectfully points out that the actions of the five service providers who took the time to contact Ms. Williams in response to her Form 470 are abundant evidence that interested potential bidders who took the time to respond to Form 470 # 166110000705713 were able to obtain "*sufficient additional information in order for them to submit a viable bid prior to the bid closing,*" ensuring a fair and open competition in keeping with program rules. It is difficult to take this complaint seriously, raised by a service provider who

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[13] Evaluation matrices for FY 2009-10 FRNs 1882551, 1882553, 1903523, 1882578, and 1882585, copied on February 17, 2009, from originals created during the February 12, 2009, vendor evaluation process.

[14] Email from Bruce Elmore to Sharlyne Williams dated December 22, 2008, subject "District Technology RFP".

[15] Email from Bruce Elmore to Sharlyne Williams dated February 6, 2009, subject "RE: Form 470 RFP Bid".

responded, not to the Form 470 posted by West Harvey, but to a courtesy correspondence from the district. Had Ms. Williams not sent out her ill-advised February 5th email, it is hrd to imagine that Telcom Innovations Group would have made any contact with West Harvey or submitted a bid.

West Harvey respectfully requests the SLD appeal team to not allow one inattentive service provider to annul the successful execution of the competitive bidding process by the four bidders and West Harvey.

Conclusion:

West Harvey – Dixmoor School District #147 (West Harvey) requests the Schools and Libraries Division (SLD) reverse its decision to deny funding to FRNs 1882551, 1882553, 1903523, 1882578, and 1882585 and approve the requested funding of $154,867.03. We have provided information and documentation above to refute each of the three Funding Commitment Decision Explanations given by SLD in its denials of these FRNs.

West Harvey appreciates the SLD's consideration of its appeal. We are available to respond to questions or to provide any further information requested by the SLD.

Authorized signature for this Appeal[16]

Richard Larson

Date: 5/24/10

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 130E
Parsippany, NJ 07054
Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com

[16] "Letter of Agency" from Sharlyne Williams, Business Manager of West Harvey – Dixmoor School District #147, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of West Harvey.

West Harvey – Dixmoor School District #147
BEN 135538
471 # 687578, FRNs 1882551, 1882553, 1903523
471 # 687588, FRNs 1882578, 1882585
Letter of Appeal
Federal Communications Commission
February 17, 2011

NOTE 20 - WHarvey_FY12_appeal-LOA-signed_5-20-10

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Business Manager
Sharlyne Williams

Director of Special Education
Debora Matthews

Director of Buildings & Grounds
Eric Lee

West Harvey-Dixmoor School District 147
191 West 155th Place
Harvey, IL 60426
Phone: (708) 339-9500

Billed Entity Number: 135538

Letter of Agency For FY 12 (2009 - 2010)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **West Harvey-Dixmoor P S D 147** for all eligible services outlined in the mostcurrent "Eligible Services List" published by USAC. I understand that, in submitting these forms onour behalf, you are making certifications for **West Harvey-Dixmoor PSD 147**. By signing this Letter of Agency, I make the following certifications

(a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding $50 million.

(b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
_____ an individual technology plan for using the services requested in this application; and/or
__X__ higher-level technology plan(s) for using the services requested in this application; or
_____ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).

(e) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(f) I acknowledge 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 service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to **cRate 360 Solutions, LLC** for E-rate submission is true.

District: West Harvey-Dixmoor P S D 147

Date: May 21, 2010

Signature: Sharlyne Williams

Printed Name: Sharlyne Williams

Title: Business Manager