

# RWSP

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March 9, 2011

*Via ECFS Electronic Filing*

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Addendum to Request for Review by the Tift County School District of  
Decision of Universal Service Administrator**

Re: [462.11006] CC Docket No.: 9645 and 02-6  
Appellant: Tift County School District  
Form 471 Application Number: 550520  
Funding Year: 2007  
Applicant's Form Identifier: TC07-471  
Billed Entity Number: 127531  
FCC Registration Number: 0014903850  
SPIN: 143023001  
Service Provider Name: City of Tifton  
Service Provider Contact Person: Jim Edens

Dear Ms. Dortch:

I act as the attorney for the Tift County School District (the "District"). By letter to you dated February 22, 2011 via ECFS Electronic Filing, I filed on behalf of the District an appeal with the FCC seeking review of a decision made by the Universal Service Administrative Company ("USCA") as set forth in its Notification of Commitment Adjustment Letter addressed to Harris Tucker of the District dated December 21, 2010. This appeal was timely filed with the FCC in accordance with 47 C.F.R. § 54.720 and pursuant to instructions given my legal assistant by Ms. Gina Spade of the FCC. Due to the untimely death of my father

Ms. Marlene H. Dortch, Secretary

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on February 20, 2011, I was unable to include within the filing of the appeal certain information and documentation which I hope will be sufficient to allow the FCC to reverse the USAC's decision under appeal. Please consider the following information and documentation as an addendum to and supplementation of the timely filed appeal. Attached hereto as Exhibit A is a copy of my filed appeal dated February 22, 2011 and attached as Exhibit B is a copy of the USAC's Notification of Commitment Adjustment Letter dated December 21, 2010, which includes a copy of the Funding Commitment Adjustment Report which is now under appeal. The District appeals the Administrator's decision that the E-Rate funding commitment granted the District for 2007 be reduced by \$451,713.60, and that the District must remit that amount to the Administrator.

#### **Background Information**

The District is a public school district geographically comprised of all of Tift County, Georgia. The District operates a school system consisting of twelve different schools with grades pre-kindergarten through 12<sup>th</sup>, serving approximately 7,500 students.

In the late 1990s the City of Tifton, which is the only municipality located within the District, elected to construct, own and operate a broadband telecommunications network in and around the City of Tifton and Tift County, Georgia. To establish this broadband telecommunications network, the City of Tifton needed certain real property then owned by the Tift County Board of Education (the "Board") which, of course, was and remains the managing and controlling body of the District. To induce the Board to convey title to this land to the City of Tifton for use in its efforts to construct and operate a broadband telecommunications network, City of Tifton officials proposed to the Board that the City of Tifton would provide to the Board six (6) telecommunication related-services. The Board accepted the City of Tifton's proposal and on December 7, 1998 under the auspices of Resolution Number 98-83 adopted on that date by the Tifton City Council, these two entities agreed that, in consideration for the Board conveying to the City of Tifton the real property, the City of Tifton would provide to the Board these six (6) telecommunication related-services, two of which were "A fiber based Local Area Network ("LAN") and Wide Area Network ("WAN") connecting all Board facilities", and "High-speed internet access". A copy of

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Resolution Number 98-83 adopted by the City of Tifton on December 7, 1998 and signed by the Mayor of the City of Tifton is attached hereto and labeled Exhibit C.

Approximately six (6) weeks later on January 29, 1999, the Board conveyed by Warranty Deed to the City of Tifton 9.727 acres of land. A copy of the Warranty Deed is attached hereto and labeled Exhibit D. No monetary consideration was paid by the City of Tifton to the Board for this conveyance – rather, the consideration received by the Board for the conveyance of the land was that the City of Tifton would provide the six (6) telecommunication related services in accordance with Resolution Number 98-83 and the Warranty Deed.

Subsequent to this land conveyance, the City of Tifton, unfortunately, did not completely provide the consideration promised to the Board for the land conveyance. For a number of years, one of the public schools within the District was not connected to the City of Tifton's fiber network, and the City of Tifton did not provide the District's schools with internet access. From the date of the land conveyance from the Board to the City of Tifton in January, 1999 until the end of the year 2006, the Board obtained internet access for its schools through another service provider which had contracted with the State of Georgia. Since there was no cost to the Board for obtaining internet services through the service provider which had contracted with the State of Georgia, the Board had no reason to complain about the failure of the City of Tifton to provide to the Board free internet access.

On December 15, 2006 the District posted FCC Form 470 on the Fund Administrator's website seeking potential service providers interested in providing to the District internet access to the District's schools and central office for the year 2007. A copy of the FCC Form 470 is attached hereto and labeled Exhibit E. Likewise, a Request for Proposal specifying the services needed by the District was posted on the District's website, a copy of which is attached hereto and labeled Exhibit F. The City of Tifton's responsive bid for providing the requested internet services to the District for the year 2007 totaled \$579,120.00 and a copy of the bid is attached hereto as Exhibit G. This bid provided the basis for the District's application for E-Rate Funding for the year 2007. E-Rate Funding was approved by USAC at a discount percentage of seventy-eight percent (78%) of the total bid – and seventy-eight percent of the total bid (\$451,713.60) was thereafter paid by USAC to the City of Tifton as the service provider. Twenty-two percent

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(22%) of the total bid amount (\$127,406.40) was paid by the District to the City of Tifton as required by FCC regulation. A copy of the check representing payment by the District to the City of Tifton is attached hereto and labeled Exhibit H.

### **Standard of Review**

**It is respectfully submitted that the FCC should conduct *de novo* review of this Request for Review of the decision made by the Administrator that \$451,713.60 should be recovered from the District for the reasons stated in the Administrator's Funding Commitment Adjustment Report, in that this review involves novel questions of fact, law, or policy.**

Initially and with all respect due the Administrator and/or staff members who may have drafted the Funding Commitment Report which indicates that \$451,713.60 should be recovered from the District, it must be stated that nowhere within such Report is there any reference made to the specific FCC rule or regulation, or any part thereof, that the District is supposedly culpable as a violator. It would seem that principles of fundamental fairness would entitle the District to a great deal more specificity and particularity, as it relates to which rule or regulation was not obeyed. The Report merely recites investigative findings which allegedly support the Administrator's decision, with most being either preceded or followed by blanket, conclusory statements such as "...According to FCC rules..." and "...program rules are violated...", and "USAC has determined that the applicant is responsible for this rule violation..." simply do not, standing alone or collectively, provide the District due and proper notice of which rule or regulation it allegedly violated.

### **Questions Presented for Review**

Before posing the particular Questions Presented for Review in this situation, a few facts must be kept in mind:

1. Beginning in 1999 and by virtue of Resolution Number 98-83 enacted by the City of Tifton, together with a conveyance of 9.727 acres of land from the Board to the City of Tifton (Exhibits C and D respectively), the City of Tifton was to provide to the Board, (1) a fiber based Local Area Network ("LAN") and a Wide Area Network ("WAN") connecting all

Ms. Marlene H. Dortch, Secretary

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Tift County Board of Education facilities, and (2) High-speed internet access to the District's schools;

2. From 1999 until 2006, the City of Tifton did not connect all of the Board's facilities to the fiber Network, nor did the City of Tifton provide internet access to those facilities; and
3. From 1999 until 2006, the Board's facilities obtained internet access at no cost through another service provider which had contracted with the State of Georgia.

In December, 2006, the City of Tifton proposed to the Board that it was in a position to fulfill its contractual obligation and connect all of the Board's facilities to the fiber Network, and also provide the internet access it had promised back in 1999. The City's proposal was that in consideration for providing fiber connectivity to a school located out in the county (Omega, Georgia) and the provision to the Board of a forty-five (45) megabyte internet bandwidth and a one (1) gigabyte network (WAN), the Board would apply for 2007 E-Rate Funding for its internet services and the City of Tifton would be the provider of those services to the Board. If E-Rate Funding was approved, the Board would pay to the City of Tifton the non-discount portion of services purchased with universal service discounts, and USAC would pay to the City of Tifton the discounted portion. So as to ensure that the Board would continue to receive internet access without cost (as had been the case since 1999), the City of Tifton proposed that it would provide to the Board at no charge city services in a value equal to the non-discount portion paid by the Board to the City of Tifton for 2007. Examples of these city services included garbage collection and disposal, water and sewer, etc. A copy of a Interlocal Agreement entered into between the City of Tifton and the Board containing the City of Tifton's proposal is attached hereto and labeled Exhibit I. This Interlocal Agreement was drafted by counsel for the City of Tifton.

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The questions presented for review in this particular instance should be bifurcated as follows:

1. Was the intent or purpose of any FCC rule or regulation violated as a result of the City of Tifton, as service provider for the District, providing to the District city services at no cost which were equal in value to the payment made by the District to the City of Tifton in 2007 representing payment for the non-discount portion of the cost of those services?; and
2. Assuming but not conceding that if the answer to question number 1 is in the affirmative, is the District required to remit to the Administrator the sum of \$451,713.60?"

**Question Presented for Review Number 1:** Again, in its Funding Commitment Adjustment Report under appeal, the Administrator did not state or even refer to the particular FCC rule or regulation (or any portion thereof) that the District is supposed to have violated. However, it will be presumed that the alleged violation lies somewhere within the parameters of 47 C.F.R. § 54.523 entitled "**Payment for the non-discount portion of supported services**", which reads as follows:

"An eligible school, library, or consortium must pay the non-discount portion of services or products purchased with universal service discounts. An eligible school, library, or consortium may not receive rebates for services or products purchased with universal service discounts. 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 the non-discount portion of the supported services."

47 C.F.R. § 54.523 was part of rules adopted by the FCC relating to the administration of the Schools and Libraries Universal Service mechanism, also known as the E-Rate Program. These rules, including the rule contained in 47 C.F.R. § 54.523, became effective on March 11, 2004 and can be found in their entirety in Volume 69, Number 27 of the Federal Register dated February 10, 2004, pages 6181-6192. The rules adopted by the FCC effective March 11, 2004

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were designed to "...advance the goals of the Schools and Libraries Program by making support for internal connections regularly available to a larger number of applicants and by discouraging waste, fraud, and abuse." Further, in its Final Rule which became effective March 11, 2004, the FCC stated in paragraph 29 of the Final Rule under the heading "Prohibition of 'free' services", that "... We also take this opportunity to clarify and amend our rules to codify a prohibition on the provision of free services to an eligible entity by a service provider that is also providing discounted services to the entity. The Commission requires that an entity must pay the entire undiscounted portion of the cost of any services it receives through the Schools and Libraries Program. For the purpose of this program, the provision of unrelated free services by the service provider to the entity constitutes a rebate of the undiscounted portion of the costs, and a violation of the Commission's rules."

Obviously, the Interlocal Agreement entered into between the District and the City of Tifton on December 21, 2006 attached hereto as Exhibit I was neither intended nor designed by either party to frustrate the intent and purpose of existing FCC rules, nor did the performance of either party of its obligations contained in the Interlocal Agreement do that. From 1999 forward, the City of Tifton was to provide the District with fiber connectivity to all of its educational facilities and internet access to those facilities. The City of Tifton's obligation in this regard was documented by Resolution 98-83 and as consideration mentioned in the Warranty Deed from the District to the City of Tifton. However, subsequent to 1999 the City of Tifton did not fulfill its obligations in this regard, and the District necessarily obtained internet access from another service provider. The Interlocal Agreement between the District and the City of Tifton simply required the City of Tifton to fulfill its obligations to the District established back in 1999, which it had to date not fulfilled. Further, in order that the District would continue to receive free internet access, the City of Tifton agreed to provide the District in 2007 with free city services in an amount equal in value to the District's payment to the City in 2007 for the undiscounted portion of internet services. This "free services" arrangement was not a kick-back to either party, nor did it amount to waste, fraud, or abuse. The only so-called "benefit" received was received by the District, a public school system funded by Tift County taxpayers and the entity providing the "benefit" to the District was the City of Tifton, a municipality within the District which is also funded by the same Tift County taxpayers. Again, the District did pay to the City of Tifton in 2007 the undiscounted portion of the cost

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of the services it received from the service provider, as required by 47 C.F.R. § 54.523. The provision of free city services by the City of Tifton was merely a method by which the City of Tifton could fulfill to the District its contractual obligations established back in 1999.

**Question Presented for Review Number 2:** Assuming but without conceding that the FCC finds the answer to Question Presented for Review Number 1 in the affirmative, it is entirely erroneous for the Administrator to require that the District remit the sum of \$451,713.60. After making it very clear that a school district is required to pay the non-discount portion of services or products purchased with universal service discounts, 47 C.F.R. § 54.523 goes on to recite 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 the non-discount portion of the supported services." In fact, in 2007 the District paid to the City of Tifton, as its service provider, the non-discount portion of services purchased with universal service discounts, as FCC rules require. A copy of the check from the Tift County Board of Education made payable to the City of Tifton in the amount of \$127,406.40 is attached as Exhibit H. The \$451,713.60 the Administrator now seeks recovery from the District represents the discounted portion of the cost of services purchased with universal service discounts. If the FCC determines in this appeal that, notwithstanding the purpose and motive of these two local governmental entities, the provision by the City of Tifton to the District of free city services constitutes a rebate of the non-discount portion of the supported services, the District's obligation would be to only remit to the Administrator the non-discount portion it paid to the City of Tifton by check dated September 28, 2007, and in the amount of \$127,406.40. It is the discounted portion which was \$451,713.60, and this discounted portion was paid directly by USAC to the City of Tifton in 2007. The District never paid the discounted portion to the City of Tifton, but did pay the non-discounted portion of the cost of the services. If the provision of free city services by the City of Tifton to the District is determined to constitute "...a rebate of the non-discounted portion of the supported services..." as mentioned in 47 C.F.R § 54.523, the District should only be required to remit to the Administrator the amount required by this FCC regulation, that being the non-discount portion it paid to the City of Tifton, which was the \$127,406.40, and not the discounted portion paid by USAC to the City of Tifton in the amount of \$451,713.60.

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### **Conclusion**

As noted by the FCC when 47 C.F.R. § 54.523 became effective back in March, 2004, among its purposes was to discourage "...waste, fraud, and abuse..." in the Schools and Libraries Program. Between the years 1999 and 2006, the City of Tifton was already under a contractual obligation to provide the District with free internet access and fiber connectivity to all of the Districts' facilities, and until 2007 the City of Tifton failed to do that. When the City of Tifton became the service provider for the District in 2007, it finally connected all of the District's facilities to the fiber and the District paid to the City of Tifton the non-discount portion of services purchased with universal service discounts as required by FCC rules. The USAC paid in 2007 to the City of Tifton the discounted portion of the cost of services purchased with universal service discounts. The provision by the City of Tifton to the District of free services in an amount equal in value to the payment made by the District to the City of Tifton for non-discount services did not constitute a rebate to the District within the meaning of 47 C.F.R. § 54.523. The provision of free city services was constituted only the method by which one local governmental entity fulfilled its contractual obligation to another governmental entity funded by the very same taxpayers. Moreover, should any amount be required to be remitted by the District to the Administrator, in accordance with FCC rules the amount should be limited to the sum paid by the District to the City of Tifton in 2007 for the non-discount portion of the cost of services provided by universal service products – not the discount portion paid in 2007 by USAC to the City of Tifton.

The District requests that the FCC overturn the decision of the Administrator of USAC contained in its Notification of Commitment Adjustment Letter dated December 21, 2010 which seeks recovery from the District of \$451,713.60 paid by USAC to the City of Tifton in the year 2007. Alternatively, the District requests that any recovery by the Administrator from the District be limited to \$127,406.40, which represents payment made by the District to the City of Tifton

**REINHARDT, WHITLEY, SUMMERLIN & PITTMAN, P.C.**

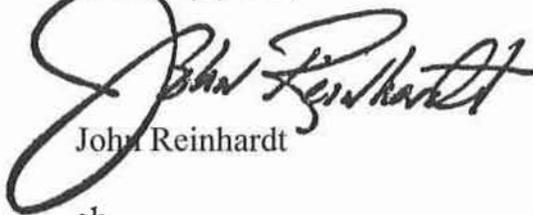
Ms. Marlene H. Dortch, Secretary

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for the non-discount portion of the cost of services purchased with universal service discounts.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Reinhardt". The signature is written in a cursive style with a large initial "J".

John Reinhardt

ah

cc: Mr. Harris Tucker  
Mr. Patrick Atwater, Jr., Superintendent  
USAC, Schools and Libraries Division  
Mr. Jim Edens, City of Tifton

# EXHIBIT A

# RWSP

Reinhardt, Whitley, Summerlin & Pittman, P.C.  
attorneys at law

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P.O. DRAWER 1287  
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WRITER'S EXT. 327  
ASSISTANT'S EXT. 326  
EMAIL: jreinhardt@rwws.com  
ASSISTANT'S EMAIL: aholstead@rwws.com

February 22, 2011

*Via ECFS Electronic Filing*

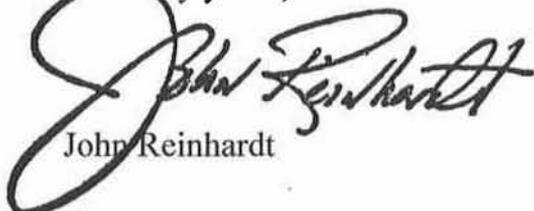
Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: [462.11006] Form 471 Application Number:	550520
Funding Year:	2007
Applicant's Form Identified:	TC07-471
Billed Entity Number:	127531
FCC Registration Number:	0014903850
SPIN:	143023001
Service Provider Name:	City of Tifton
Service Provider Contact Person:	Jim Edens
Docket No.:	02-6

Dear Ms. Dortch:

I represent the Tift County School District and we hereby appeal the decision of the Universal Service Administrative Company set forth in their Notification of Commitment Adjustment Letter to Harris Tucker of the Tift County School District dated December 21, 2010.

Sincerely yours,



John Reinhardt

ah

**EXHIBIT A-1**

**REINHARDT, WHITLEY, SUMMERLIN & PITTMAN, P.C.**

Ms. Marlene H. Dortch, Secretary

02/22/2011

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cc: Mr. Harris Tucker  
Mr. Patrick Atwater, Jr., Superintendent  
USAC, Schools and Libraries Division (via overnight courier)  
Mr. Jim Edens, City of Tifton

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**Your submission has been accepted**

ECFS Filing Receipt - Confirmation number: 2011222031155		
<b>Proceeding</b>		
<b>Name</b>	<b>Subject</b>	
02-6	In the Matter of Schools and Libraries Universal Service Support Mechanism	
<b>Contact Info</b>		
<b>Name of Filer:</b> Tift County School District		
<b>Email Address:</b> jreinhardt@rwws.com		
<b>Attorney/Author Name:</b> John Reinhardt		
<b>Lawfirm Name (required if represented by counsel):</b> Reinhardt, Whitley, Summerlin & Pittman, P.C.		
<b>Address</b>		
<b>Address For:</b> Law Firm		
<b>Address Line 1:</b> P. O. Drawer 1287		
<b>City:</b> Tifton		
<b>State:</b> GEORGIA		
<b>Zip:</b> 31793		
<b>+4:</b> 1287		
<b>Details</b>		
<b>Type of Filing:</b> APPEAL		
<b>Document(s)</b>		
<b>File Name</b>	<b>Custom Description</b>	<b>Size</b>
AppealofUSAC.doc		115 KB
<b>Disclaimer</b>		
<p>This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus, or automated links to other documents.</p> <p>Filings are generally processed and made available for online viewing within one business day of receipt. You may use the link below to check on the status of your filing:  <a href="http://fjallfoss.fcc.gov/ecfs/comment/confirm?confirmation=2011222031155">http://fjallfoss.fcc.gov/ecfs/comment/confirm?confirmation=2011222031155</a></p> <p>For any problems please contact the Help Desk at 202-418-0193.</p>		

**EXHIBIT A-3**

**Proceeding Number:** 02-6  
**Name of Filer:** Tift County School District  
**Lawfirm Name:** Reinhardt, Whitley, Summerlin & Pittman, P.C.  
**Attorney/Author Name:** John Reinhardt  
**View Filing:** View (2)  
**Type of Filing:** APPEAL  
**Exparte:** No  
**Date Received:** 02/22/2011  
**Date Posted:** 02/23/2011  
**Address:**  
P. O. Drawer 1287  
Tifton, GA 31793-1287

**EXHIBIT A-4**

# **EXHIBIT B**



Notification of Commitment Adjustment Letter  
Funding Year 2007: July 1, 2007 - June 30, 2008

December 21, 2010

Harris Tucker  
TIFF COUNTY SCHOOL DISTRICT  
207 N RIDGE AVE  
TIFFTON, GA 31794

Re: Form 471 Application Number: 550520  
Funding Year: 2007  
Applicant's Form Identifier: TC07-471  
Billed Entity Number: 127531  
FCC Registration Number: 0014903850  
SPIN: 143023001  
Service Provider Name: City of Tifton  
  
Service Provider Contact Person: Jim Edens

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

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

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

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Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THIS DECISION:

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

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

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

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

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

FUNDING COMMITMENT ADJUSTMENT REPORT

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

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

Schools and Libraries Division  
Universal Services Administrative Company

cc: Jim Edens  
City of Tifton

Funding Commitment Adjustment Report for  
Form 471 Application Number: 550520

Funding Request Number:	1523668
Services Ordered:	INTERNET ACCESS
SPIN:	143023001
Service Provider Name:	City of Tifton
Contract Number:	MTM
Billing Account Number:	130376001
Site Identifier:	127531
Original Funding Commitment:	\$451,713.60
Commitment Adjustment Amount:	\$451,713.60
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$451,713.60
Funds to be Recovered from Applicant:	\$451,713.60

After a thorough investigation, it has been determined that this funding commitment must be reduced by \$451,713.60. During the course of review it was determined that the applicant was receiving city services in an amount equal to their share of E-rate services. According to FCC rules, the entity must pay the entire undiscounted portion of the cost of any services it receives through the schools and libraries program for eligible products and services which were competitively bid and at the discount level to which the applicant is entitled. Provision of free services or products by the service provider constitutes a rebate of the non-discount portion of the supported services. Moreover, offering of free services provides a discount level to applicants greater than which the applicant was entitled or subsidizes ineligible products or services. Accordingly, program rules are violated if the funding request does not reduce the pre-discount cost of services by the fair market value of free products or services. Your request for funding included free city services in an amount equal to your share of E-rate services. Which, at the applicants 78 percent discount rate, resulted in an improper commitment of \$451,713.60. Your funding commitment has been reduced by \$451,713.60 to reflect deduction of the fair market value of free products from the total pre-discount cost of services. USAC has determined that the applicant is responsible for this rule violation and, if recovery is required, USAC will seek recovery from the applicant.

FUNDING COMMITMENT REPORT  
Billed Entity Name: TIFT COUNTY SCHOOL DISTRICT  
BEN: 127531  
Funding Year: 2007

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

Form 471 Application Number: 550520  
Funding Request Number: 1523668  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 495280000607654  
SPIN: 143023001  
Service Provider Name: City of Tifton  
Contract Number: MTM  
Billing Account Number: 130376001  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2007  
Service End Date: 06/30/2008  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 846159  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$579,120.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$579,120.00  
Discount Percentage Approved by the USAC: 78%  
Funding Commitment Decision: \$451,713.60 - FRN approved as submitted  
FCDL Date: 05/21/2007  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

### Service Certification for SLD Invoices

958148

<b>Service Provider Name</b>	City of Tifton
<b>Service Provider SPIN</b>	143023001
<b>Service Provider Invoice #</b>	ERCOTCN100208A
<b>Undiscounted Invoice Amount</b>	\$579,120.00
<b>Discounted Invoice Amount</b>	\$451,713.60

<b>Applicant Name</b>	TIFT COUNTY SCHOOL DISTRICT
<b>Representative / Contact Name</b>	Harris Tucker
<b>Representative / Contact Title</b>	Technology Services Director
<b>Representative / Contact Phone</b>	229 387-2400
<b>Billed Entity Number (BEN)</b>	127531
<b>471 Number</b>	599340
<b>FRN</b>	1660713
<b>Date Goods/Services Delivered</b>	7/1/2008
<b>Date Goods/Services were or will be Installed</b>	7/1/2008
<b>Date Applicant Portion Paid and Check No. or Date will be Paid</b>	10/9/2008

This is to certify that I am authorized to represent the above named Applicant. This is also to certify the services described on the attached vendor invoice were delivered and/or installed as indicated by the date(s) above.

Or The charges represented by the above represented invoice are deposits or up-front charges for services, which have not been delivered, and have been agreed to based on the contract between the above referenced Applicant and Service Provider

Copy of <u>detailed</u> vendor invoice must be attached. Contract with Service Provider above is for Delivery only                      Yes _____ No _____ Delivery and Installation    Yes _____ No _____	Copy of <u>supporting contract</u> must be attached if indicated below  Supporting Contract Required YES _____ NO _____
Signed:	Signed:
Date:	Date:

Revised 04/05/05

Schools and Library Division (USAC)

# EXHIBIT C

CITY OF TIFTON

RESOLUTION NO. 98- 83

A resolution of the City Council of the City of Tifton, whereby the City agrees to provide certain services to the Tift County Board of Education and the Tift County Board of Education agrees to convey certain real property to the City.

WHEREAS, the City Council of Tifton, Georgia (the "City"), is constructing a broadband telecommunications network (the "Network") in and around the City of Tifton and Tift County; and

WHEREAS, as a vital element in the local community, the City intends to make the Tift County Board of Education and the local school facilities an integral part of the Network; and

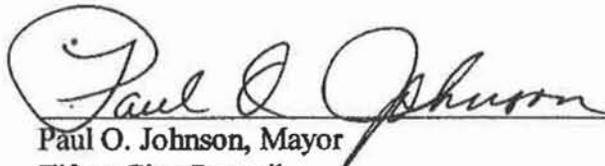
WHEREAS, the City believes that doing so would be in the public interest and will provide substantial long term benefits to the Tifton community; and

WHEREAS, the Tift County Board of Education owns certain identified real property near the Tift County High School which it intends to convey in fee simple to the City for the purpose of locating the Network headend facility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tifton that the City, in consideration for the aforementioned real property, shall provide the Tift County Board of Education with the following:

1. A fiber based Local Area Network ("LAN") and Wide Area Network ("WAN") connecting all Tift County Board of Education facilities.
2. High-Speed Internet access.
3. The exclusive use of an educational channel.
4. Assistance in video production.
5. Enhanced distance learning capabilities.
6. On-going educational support through cooperative video programming efforts.

RESOLVED this the 7<sup>th</sup> day of December, 1998

  
Paul O. Johnson, Mayor  
Tifton City Council

ATTEST:

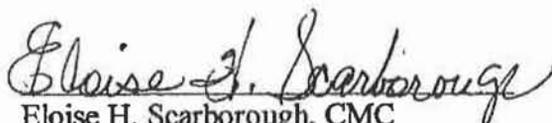
  
Eloise H. Scarborough, CMC  
Tifton City Clerk

EXHIBIT C

# **EXHIBIT D**

000765 Bk:00735 Pg:0260

REC'D TIFT CO. CLERK'S OFFICE  
Date:02/04/1999 Time: 02:36:41  
PM  
GWEN C. PATE, CLERK

Transfer Tax Stamp 2.4-99

FILED, RECORDED, INDEXED  
02/04/1999 02:36:41PM  
Rec Fee: 14.00 St Fee: 0.00

After Recording Return To:

REINHARDT, WHITLEY, WILMOT & SUMMERLIN, P.C.  
P. O. Drawer 1287  
Tifton, GA 31793

Co Fee: 0.00 Pages: 3  
Issued to: SOWELL CROSS & SANDIFER  
Clerk of Superior Court Tift Co. GA  
Gwen C. Pate

**WARRANTY DEED**

**GEORGIA, TIFT COUNTY**

THIS INDENTURE made this 29 day of January, 1999 by and between:

TIFT COUNTY BOARD OF EDUCATION, hereinafter called  
the "grantor",

and

CITY OF TIFTON, a Georgia municipal corporation,  
hereinafter called the "grantee".

**WITNESSETH:**

In consideration of and in accordance with the provisions of Resolution Number 98-83 duly enacted by the grantee at its regular monthly meeting on December 7, 1998 and a motion made, seconded, and unanimously adopted by the grantor at its regular monthly meeting on December 8, 1998, the grantor does hereby grant, sell, convey and deliver unto the grantee, its successors and assigns, the following described property:

A tract of land containing 9.727 acres, more or less, located in Land Lot 265 of the Sixth Land District of Tift County, Georgia, and being more particularly described as follows: TO OBTAIN THE POINT OF BEGINNING, commence at the intersection of the east right of way line of New River Church Road (80 foot right of way) with the southeast corner of a miter located in the southwest quadrant of the intersection of Kent Road (80 foot right of way) and New River Church Road. FROM SAID BEGINNING POINT, run thence along the west right of way line of New River Church Road south 00° 18' 42" east 581.58 feet; thence north 81° 50' 39" west 849.63 feet; thence north 08° 09' 21" east 325.17 feet to a point on the south right of way line of Kent Road; thence along the south right of

REINHARDT, WHITLEY,  
WILMOT & SUMMERLIN, P.C.  
ATTORNEYS AT LAW  
P.O. DRAWER 1287  
TIFTON, GEORGIA 31793

way line of Kent Road north 62° 45' 57" east 225.29 feet; thence along the arc of a curve in the south right of way line of Kent Road an arc distance of 371.40 feet, said arc being subtended by a chord bearing and distance of north 76° 45' 57" east, a chord distance of 367.72 feet and a radius of 759.99 feet; thence continue along the south right of way line of Kent Road south 89° 14' 03" east 189.09 feet to the northwest corner of a miter located in the southwest quadrant of the intersection of Kent Road with New River Church Road; thence along the miter line south 44° 14' 03" east 63.64 feet to the point and place of beginning. Said tract of land is more particularly delineated upon a plat of survey prepared for the City of Tifton by Central Surveying, dated December 23, 1998 and recorded in Plat Book 32 Page 101 in the office of the Clerk of the Superior Court of Tift County, Georgia.

TO HAVE AND TO HOLD such properties in fee simple with all rights and appurtenances thereunto belonging unto the grantee, its successors and assigns, and the grantor will warrant and forever defend the title thereto against the lawful claims of all persons whomsoever by virtue of these presents.

IN WITNESS WHEREOF of the parties have hereunto signed their names and affixed their seals on the day and year first above written.

TIFT COUNTY BOARD OF EDUCATION

by: Richard Golden  
Richard Golden, President

attest: Dr. Dan McIntyre  
Dr. Dan McIntyre, Superintendent  
Ex-Officio Secretary

[SEAL]

Signed, sealed and delivered on this  
22 day of January, 1999  
in the presence of:

[Signature]  
Common Witness

[Signature]  
Notary Public  
[SEAL]  
My Commission Expires: \_\_\_\_\_

000765 Bk:00735 Pg:0261

JOHN REINHARDT  
Notary Public, Tift County, Ga.  
My Commission Expires Feb. 1, 2001

REC'D TIFT CO. CLERK'S OFFICE  
Date: 02/04/1999 Time: 02:36:41  
GWEN C. PATE, CLERK

[SIGNATURES CONTINUED ON NEXT PAGE]

Consideration recited for conveyance acknowledged and agreed to:

CITY OF TIFTON

by: Charles H. Howell  
Charles H. Howell, City Manager

attest: Eloise H. Scarborough  
Eloise H. Scarborough, City Clerk

[SEAL]

Signed, sealed and delivered on this  
21 day of January, 1999  
in the presence of:

Rosa Martinez  
Common Witness

Gregory C. Swell  
Notary Public  
[SEAL]  
My Commission Expires



h:4621996/ City WDI

000765 Bk:00735 Pg:0262

REC'D TIFT CO. CLERK'S OFFICE  
Date: 02/04/1999 Time: 02:35:41  
PM  
GWEN C. PATE, CLERK

BERNARDT, WHITLEY,  
WILCOX & BLANKENHORN, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 1107  
TIFTON, GEORGIA 31788

# **EXHIBIT E**

FCC Form

Approval by OMB  
3060-0806

**470**

**Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**

Form 470 Application Number: 495280000607654		
Applicant's Form Identifier: TC07-470-Internet		
Application Status: INCOMPLETE		
Posting Date:		
Allowable Contract Date:		
Certification Received Date:		
<b>1. Name of Applicant:</b> TIFT COUNTY SCHOOL DISTRICT		
<b>2. Funding Year:</b> 07/01/2007 - 06/30/2008		<b>3. Your Entity Number</b> 127531
<b>4a. Applicant's Street Address, P.O.Box, or Route Number</b> 207 N RIDGE AVE		
<b>City</b> TIFTON	<b>State</b> GA	<b>Zip Code</b> 31794
<b>b. Telephone number</b> ext. (229) 387- 2400		<b>C. Fax number</b> (229) 386- 1020
<b>5. Type Of Applicant</b>		
<input checked="" type="checkbox"/> Individual School (individual public or non-public school)		
<input checked="" type="checkbox"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)		
<input checked="" type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA)		
<input checked="" type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
<b>6a. Contact Person's Name:</b> Harris Tucker		
<i>First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.</i>		
<b>6b. Street Address, P.O.Box, or Route Number</b> 207 N RIDGE AVE PO BOX 389		
<b>City</b>	<b>State</b>	<b>Zip Code</b>

**EXHIBIT E-1**

TIFTON	GA	31794
<p><i>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</i></p>		
<input checked="" type="checkbox"/>	6c. Telephone Number	(229) 387- 2400
<input checked="" type="checkbox"/>	6d. Fax Number	(229) 386- 1020
<input checked="" type="checkbox"/>	6e. E-mail Address	htucker@tiftschools.com

**Block 2: Summary Description of Needs or Services Requested**

<p><b>7 This Form 470 describes (check all that apply):</b></p>		
<input checked="" type="checkbox"/>	a.	Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
<input checked="" type="checkbox"/>	b.	Services for which a new written contract is sought for the funding year in Item 2. Check if you are seeking <input checked="" type="checkbox"/> a multi-year contract and/or <input checked="" type="checkbox"/> a contract featuring voluntary extensions
<input checked="" type="checkbox"/>	c.	A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.
<p><b>NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filling of a new Form 470.</b></p>		

<p><b>What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.</b></p>		
<p><b>8 <input checked="" type="checkbox"/> Telecommunications Services</b>  <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>		
<p>a <input checked="" type="checkbox"/> <b>YES</b>, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  <input checked="" type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.</p>		
<p>b <input type="checkbox"/> <b>NO</b>, I have not released and do not intend to release an RFP for these services.</p>		
<p><b>Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.</b></p>		
<input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="checkbox"/> Check this box if you do not have a preference.
<p><b>9 <input checked="" type="checkbox"/> Internet Access</b>  <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>		

**EXHIBIT E-2**

<p>a <input checked="" type="checkbox"/> <b>YES</b>, I have released or intend to release an RFP for these services. It is available or will become available on the Web at <a href="http://www.tiftschools.com/htucker">www.tiftschools.com/htucker</a> or via (check one):  <input checked="" type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.</p>		
<p>b <input checked="" type="checkbox"/> <b>NO</b>, I have not released and do not intend to release an RFP for these services.</p> <p>Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Internet Access services. Attach additional lines if needed.</p>		
<p>c <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.</p>	<p><input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.</p>	<p><input checked="" type="checkbox"/> Check this box if you do not have a preference.</p>
<p>Service or Function:</p>		<p>Quantity and/or Capacity:</p>
<p>Internet Access Fiber Connectivity</p>		<p>13 Sites</p>
<p>Internet Access (45Mbps)</p>		<p>13 Sites</p>
<p><b>10 <input checked="" type="checkbox"/> Internal Connections Other than Basic Maintenance</b>  <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>		
<p>a <input checked="" type="checkbox"/> <b>YES</b>, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  <input checked="" type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.</p>		
<p>b <input checked="" type="checkbox"/> <b>NO</b>, I have not released and do not intend to release an RFP for these services.</p> <p>Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Internal Connections services. Attach additional lines if needed.</p>		
<p>c <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.</p>	<p><input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.</p>	<p><input checked="" type="checkbox"/> Check this box if you do not have a preference.</p>
<p><b>11 <input checked="" type="checkbox"/> Basic Maintenance of Internal Connections</b>  <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>		
<p>a <input checked="" type="checkbox"/> <b>YES</b>, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  <input checked="" type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.</p>		
<p>b <input checked="" type="checkbox"/> <b>NO</b>, I have not released and do not intend to release an RFP for these services.</p> <p>Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Basic Maintenance services. Attach additional lines if needed.</p>		
<p>c <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.</p>	<p><input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.</p>	<p><input checked="" type="checkbox"/> Check this box if you do not have a preference.</p>
<p><b>12 (Optional)</b> Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.</p>		

**EXHIBIT E-3**

Name: <b>Harris Tucker</b>	Title: <b>Technology Services Director</b>
Telephone number <b>(229) 387 - 2400</b>	
Fax number <b>(229) 386 - 1020</b>	
E-mail Address <b>htucker@tiftschools.com</b>	
<p>13a. <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number.</p> <p>A contract, if awarded, will be awarded to the responsive vendor whose services are judged to be the most advantageous to the Tift County School District in the areas of price, service, capabilities, references, performance history, location, and any other factor specific to the service. Tift County School District reserves the right to accept or reject all or any part of a contract in a manner that is in the best interest of the Tift County School District. Tift County School District's local procurement procedures will take precedence.</p>	
<p><input checked="" type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.</p>	
<p>13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.</p> <p><b>Tift County School District will continue to purchase workstations and seek maintenance support for our existing and new networks on an annual basis.</b></p>	

**Block 3: Technology Assessment**

<p>14. <input checked="" type="checkbox"/> <b>Basic telephone service only:</b> If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).</p>
<p>15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.</p>
<p>a. Desktop communications software: Software required <input checked="" type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p>b. Electrical systems: <input checked="" type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.</p>
<p>c. Computers: a sufficient quantity of computers <input checked="" type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p>d. Computer hardware maintenance: adequate arrangements <input checked="" type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.</p>
<p>e. Staff development: <input checked="" type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.</p>
<p>f. Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.</p> <p><b>Vendors should contact Harris Tucker, Technology Services Director, by email for any further</b></p>

**EXHIBIT E-4**

information regarding this Bid. Questions should be sent to Harris Tucker by January 15, 2007

**Block 4: Recipients of Service**

**16. Eligible Entities That Will Receive Services:**

Check the ONE choice (Item 16a, 16b or 16c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

- a.  Individual school or single-site library.
- b.  Statewide application for (enter 2-letter state code) representing (check all that apply):
  - All public schools/districts in the state:
  - All non-public schools in the state:
  - All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here.  If checked, complete Item 18.

- c.  School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible entities	16
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
229	238, 256, 270, 339, 382, 386, 387, 391, 392, 402 <input checked="" type="checkbox"/>

**17. Billed Entities**

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
127531	TIFT COUNTY SCHOOL DISTRICT

**18. Ineligible Participating Entities**

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix
---------------------------------	-----------	--------

**Block 5: Certification**

**EXHIBIT E-5**

19.  I certify that the applicant includes:(Check one or both.)
- 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. 7081(18) and (38), that do not operate as for-profit businesses, 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 school (including, but not limited to elementary and secondary schools, colleges, and universities).
20.  I certify that all of the individual schools, libraries, and library consortia receiving services under 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, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):
- individual technology plans for using the services requested in the application; and/or
  - higher-level technology plans for using the services requested in the application; or
  - no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only
21.  I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. 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. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
22.  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 entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
23.  I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing 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.
24.  I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). 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, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
25.  I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.
26.  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.

## EXHIBIT E-6

27. Signature of authorized person: 

28. Date (mm/dd/yyyy):

29. Printed name of authorized person: **Harris Tucker**

30. Title or position of authorized person: **Technology Services Director**

31a. Address of authorized person: **207 N. Ridge Ave.  
P.O. Box 389  
City: Tifton State: GA Zip: 31794-0389**

31b. Telephone number of authorized person: **(229) 387 - 2400**

31c. Fax number of authorized person: **(229) 3861020**

31d. E-mail address number of authorized person: **htucker@tiftschools.com**

31e. Name of authorized person's employer: **Tift County Board of Education**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.**

**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 Description of Services Requested and Certification Form (FCC Form 470) 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. 47 U.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 47 C.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, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

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 470  
P.O. Box 7026**

**EXHIBIT E-7**

**Lawrence, Kansas 66044-7026  
1-888-203-8100**

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

**SLD Forms  
ATTN: SLD Form 470  
3833 Greenway Drive  
Lawrence, Kansas 66046  
1-888-203-8100**

FCC Form 470  
November 2004

Close Print Preview

**EXHIBIT E-8**

**FCC Form 470**

Universal Service Program Description of Services Requested and Certification Form

**Entity Number: 127531****Applicant's Form Identifier: TC07-470-Internet****Contact Person: Harris Tucker****Phone Number: (229)387-2400**

FCC Form

Approval by OMB  
3080-0808

Do not write in this area

**470**

**Schools and Libraries Universal Service  
Program Description of Services Requested  
and Certification Form**

**Form 470 Application Number: 495280000607654****19.  I certify that the applicant includes: (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 school (including, but not limited to elementary and secondary schools, colleges and universities).

**20.  I certify that all of the individual schools, libraries, and library consortia receiving services under 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, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):**

- a.  individual technology plans for using the services requested in the application; and/or
- b.  higher-level technology plans for using the services requested in the application; or
- c.  no technology plan needed; application requests basic local, cellular, PCS and/or long distance telephone service and/or voice mail only.

**21.  I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. 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. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.**

**22.  I certify that the services the applicant purchases at discounts provided by 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.**

**EXHIBIT E-9**

54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23.  I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing 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 service purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24.  I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). 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, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25.  I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by the fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26.  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.

27. Cert ID = 81573	28. Date 12/15/2006
29. Printed name of authorized person <b>Harris Tucker</b>	
30. Title or position of authorized person <b>Technology Services Director</b>	
31a. Street Address, P.O Box or Route Number <b>207 N. Ridge Ave. P.O. Box 389 Tifton, GA 31794-0389</b>	
31b. Telephone number of authorized person: <b>(229) 387-2400</b>	
31c. Fax number of authorized person: <b>(229) 386-1020</b>	
31d. E-mail of authorized person: <b>htucker@tiftschools.com</b>	
31e. Name of authorized person's employer: <b>Tift County Board of Education</b>	
<b>ATTENTION: If you are signing Form 470 using the PIN assigned to you by SLD, you are reminded that using the PIN is equivalent to your handwritten signature on the form. Your use of the PIN to affirm these certifications means that should they prove untrue, you will be held to the same enforcement standards as those who affirm the certifications on paper. Also, by using the PIN, you are affirming that you have the authority to make these certifications and represent the entity featured in Block One of this funding request.</b>	
<b>Please Check to affirm your compliance <input checked="" type="checkbox"/></b>	

Form 470 Application Number:  
TIFT COUNTY SCHOOL DISTRICT  
207 N RIDGE AVE  
TIFTON, GA 31794-

**EXHIBIT E-10**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests.**  
For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the SLD Client Service Bureau at 1-888-203-8100.

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 Description of Services Requested and Certification Form (FCC Form 470) 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. 47 U.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 47 C.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.

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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.

Done

**EXHIBIT E-11**

# **EXHIBIT F**

RFP 2007

**Tift County Public Schools**

**E-Rate Internet/Internet Access Specifications:**

Provide internet connection/access to Tift County Public Schools core-router/switch with a Full DS3 (45Mbps) speed. Provide a Class-C IP range from .1-.254. Provide internet access to all 13 sites on the existing fiber WAN.

**REQUIRED ATTACHMENTS:**

- SPIN information
- Coverage for Tift County
- Authorization to sell services or statement that the Vendor is the provider
- Plan information
- References list of other customers for whom company has provided similar size and scope of services

**Contact information and Mailing address:**

Any questions or further details-----

Tift County Public Schools  
207.N. Ridge Ave.  
Tifton, GA 31794

Attn: Harris Tucker  
Technology Services Director

Voice: 229 387-2400  
FAX: 229 386-1020  
Email: [htucker@tiftschools.com](mailto:htucker@tiftschools.com)

# EXHIBIT G

Tift County Public Schools  
 Technology Dept  
 E-RATE  
 143023001  
 CityNET

2007 Bid

	Commodity	Internal/Access	Total
ABC	\$ 3,200.00		\$ 3,200.00
CS	\$ 3,200.00		\$ 3,200.00
ESM	\$ 3,200.00		\$ 3,200.00
GOB	\$ 3,200.00		\$ 3,200.00
JTR	\$ 3,200.00		\$ 3,200.00
LL	\$ 3,200.00		\$ 3,200.00
MW	\$ 3,200.00		\$ 3,200.00
NE	\$ 3,200.00		\$ 3,200.00
NS	\$ 3,200.00		\$ 3,200.00
OM	\$ 3,200.00		\$ 3,200.00
PREK	\$ 3,200.00		\$ 3,200.00
TCHS	\$ 3,200.00		\$ 3,200.00
BOE	\$ 3,200.00	\$ 6,660.00	\$ 9,860.00
Monthly	\$ 41,600.00	\$ 6,660.00	\$ 48,260.00
Yearly	\$ 499,200.00	\$ 79,920.00	\$ 579,120.00

22% \$ 127,406.40  
 78% \$ 451,713.60

# EXHIBIT H

CONTROL #	PO #	INVOICE #	DESCRIPTION	AMOUNT
			TN/HI 20072307-01 6/23/07 09/24/07	127,406.40
TOTAL AMOUNT				127,406.40

PLEASE RETAIN THIS PORTION FOR YOUR RECORDS

TOTAL AMOUNT

127,406.40

TIFT COUNTY BOARD OF EDUCATION

3005

POST OFFICE  
PO BOX 3898  
TIFTON, GA 31793

No

Date

9/28/07

BB&J

ONE HUNDRED TWENTY-SEVEN THOUSAND FOUR HUNDRED SIX AND 40/100

AMOUNT

127,406.40

FILE COPY  
FILE COPY

*Patricia A. ...*

NON-NEGOTIABLE

3005

CITY OF TIFTON  
P.O. BOX 229  
TIFTON, GA 31793

EXHIBIT H

# **EXHIBIT I**

**INTERLOCAL AGREEMENT**  
**[IN-KIND SERVICES]**

GEORGIA, TIFT COUNTY

THIS AGREEMENT made and entered into by and between:

**TIFT COUNTY BOARD OF EDUCATION**, a Georgia public school district,  
[hereinafter "School Board"]

**and**

**CITY OF TIFTON**, a municipal corporation organized under the laws of the  
State of Georgia, [hereinafter "City"]

**WITNESSETH:**

**WHEREAS**, the School Board and the City are local ad valorem taxing  
authorities responsible for delivering important government services as economically as  
possible; and

**WHEREAS**, the School Board and the City have identified ways to increase the  
value of services to each other (and, thus, to their constituents) without experiencing any  
overall budgetary increases; and

**WHEREAS**, the School Board and the City have reached agreement for the  
provision of such services; and

**WHEREAS**, the parties do desire to memorialize their agreement through this  
writing.

**NOW THEREFORE** in consideration of mutual covenants herein contained,  
acknowledged by the parties as good and sufficient, the parties agree with each other as  
follows:

1.

The City shall provide fiber connectivity to the public school in Omega, Georgia,  
owned and operated by the School Board.

The City has previously provided fiber connectivity to all other Tift County  
schools.

2.

The City shall provide the School Board with internet bandwidth of 45 megabits; and, it shall likewise provide the School Board with one (1) Gbit network (W.A.N.) connection to and among its schools.

3.

The School Board shall apply for E-Rate federal funds for its internet services and it shall designate the City as its local provider.

That portion of E-Rate services (20%) required by the federal government to be paid by the School Board shall be paid to the City as the local provider.

The City shall, in dollar for dollar offset of funds paid to it by the School Board for such E-Rate service, provide at no charge services of equal value from among those services provided by the City including, but not limited to, the following: School Resource Officers (SROs), garbage collection and disposal, natural gas, water and sewer.

4.

The exact amounts paid by the School Board and in-kind services provided by the City shall be adjusted annually based on the local contribution required for E-Rate funding.

5.

This agreement shall continue year to year based on the parties fiscal years of July 1 – June 30. Either party may choose not to extend this agreement for the next fiscal year by giving the other party written notice no later than May 1 of any calendar year. Such notice shall be addressed to either the School Superintendent or to the City Manager as appropriate and shall either be hand delivered or sent through the U.S. postal system by certified delivery with return receipt requested.

6.

This agreement, which increases efficiencies and services for both parties, shall be accomplished without an overall increase in the respective budgets of the parties.

7.

The chief operating officers of the parties possess the requisite administrative authority to execute this agreement on behalf of the School Board and the City.

IN WITNESS WHEREOF the parties have hereunto set their hands and affix their seals in agreement as of the 21<sup>st</sup> day of December, 2006.

**TIFT COUNTY BOARD OF EDUCATION**

By: J. Patrick Atwater, Jr.  
J. Patrick Atwater, Jr.  
*Superintendent*

**CITY OF TIFTON, GEORGIA**

By: Charles H. Howell  
Charles H. Howell  
*City Manager*