



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

March 11, 2011

Fred Brakeman
Infinity Communications and Consulting
P.O. Box 6069
Bakersfield, CA 93386

Re: Applicant Name: GREENFIELD UNION SCHOOL DIST
Billed Entity Number: 143940
Form 471 Application Number: 570791
Funding Request Number(s): 1575898, 1575926
Your Correspondence Dated: January 21, 2011

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 2007 Commitment Adjustment 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): 1575898, 1575926
Decision on Appeal: **Denied**
Explanation:

- During an audit, USAC determined that the basic maintenance contracts for these funding requests did not include the model number of the covered eligible components. As is noted on the Funding Year 2007 Eligible Services List, http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_101906.pdf, "the agreement or contract must specifically identify the eligible components covered, including product name, model number and location." Since the contracts do not meet this requirement, the entire contract is ineligible.

Finally, USAC determined that the referenced Form 470 number, 638200000604451, indicated that an RFP for the requested services was available. Greenfield Union School Dist. was asked to provide a copy of the RFP. Greenfield Union School Dist. failed to provide the requested RFP copy used in soliciting the bids for the requested Internet Access services. Since the aforementioned documentation was not provided, Greenfield

Union School Dist. failed to provide evidence that a RFP was issued and that a complete description of services sought was provided to service providers. Per program rules beneficiaries must retain all documents used during the competitive bidding process. Beneficiaries must retain documents such as: a RFP when the Form 470 indicates that the beneficiary has an RFP.

FCC rules provide that funding may be approved only for eligible products and services. See 47 C.F.R. secs. 54.502, 54.503. The USAC website contains a list of eligible products and services. See the website, www.usac.org/sl, Eligible Services List

On the FCC Form 470 associated with your funding requests, you indicated that you had an RFP for the products and/or services that you sought. During the review of your FCC Form 471, you failed to provide a copy of the RFP used to procure the products and/or services requested.

FCC rules require applicants to submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, FCC 97-157 para. 570 (rel. May 8, 1997) (Universal Service Order). The FCC requires the application to describe the services that the schools and libraries seek to purchase in sufficient detail to enable potential providers to formulate bids. *Id.* para. 575. A description of the Telecommunications Services, Internet Access, Internal Connections, and/or Basic Maintenance of Internal Connections products and/or services being sought are required to be provided in Items 8, 9, 10, and 11 of the FCC Form 470. See Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (FCC Form 470). At Items 8(a), 9(a), 10(a), and 11(a), the applicant is required to indicate whether it has a Request(s) for Proposal(s) (RFP) that specifies the products and/or services it is seeking.

- Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, USAC rescinded your funding requests. On the appeal, you failed to prove that the USAC's decision was incorrect. Therefore, your appeal is denied.
- FCC rules require that the schools and libraries retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. See 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. See 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements, See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-15826, paras. 47-50 (rel. Aug. 13, 2004).

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: Gary Rice

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Billed Entity Number: 143940
Form 471 Application Number: 570791
Form 486 Application Number: