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

In the Matter of Request for Review and/or Waiver of the Decision of the Universal Service Administrator by Franklin Pierce School District Tacoma, Washington Billed Entity No. 145282, Schools and Libraries Universal Service Support Mechanism Form 471 Application No. 416127	))))))))))CC Docket No. 96-45)CC Docket No. 02-6))))))))))

REQUEST FOR REVIEW AND/OR WAVIER BY FRANKLIN PIERCE SCHOOL DISTRICT OF DECSION OF UNIVERSAL SERVICE ADMINISTATOR

Jill Stone

E-Rate Consultant

Puget Sound Educational Service District 121

800 Oakesdale Ave SW

Renton, WA. 98057

On behalf of the Franklin Pierce School District

BEN: 145282

Statement of Interest and Issues

The Franklin Pierce School District (FPSD) hereby requests that the Federal Communications Commission review and waive the decision made by the Universal Service Administrative Company's (USAC) via the Demand Payment Letter dated July 18, 2011 [Exhibit A]. In particular, FPSD seeks review of USAC's determination that the funding commitment of $314,444.53 for Fund Year 2004 must be rescinded, based on the FCC ruling "For the administrative efficiency, the time frame for such inquiry should match the record retention requirements and, similarly, should go into effect for Fund Year 2004. Accordingly, we announce our policy that we will initiate and complete any inquires to determine whether or not statuary or rule violations exit within a five year period after final delivery of service for a specific funding year." FCC 04-190. It is the opinion of the FPSD that in fact it has been six (6) years since the end of the 2004 FY end date of June 30, 2005.

Question Presented for Review

Whether the funding commitment for 2004 should be rescinded for FPSD six years after the end of the Fund Year?

Summary of the Filing

FPSD seeks a review of USAC's Demand Payment letter and USAC practices for reviewing applicant's application and information presented to applicants.

Brief History of Funding Commitment

In 2004, FPSD sought a solution for connecting their school buildings district wide. They entered into a Interlocal Cooperative Purchasing Agreement with

Central Valley School District, duly authorized by the State of Washington [RCW 28A-320 and RCW 39.34. (Washington State RCW) [Exhibit B]

FPSD applied for E-Rate Funding for installation of a Fiber Network in FY 2004 using Central Valley School District's RFP, Bid Process, Contract, and Form 470 as a bases for this implementation of a fiber network. FPSD added a Statement of Clarification to the Contract on April 1, 2005.

FPSD and the Service Provider [Eman Networks] worked with USAC to answer all the questions pertaining to this Fund Request in a timely fashion. FPSD sought direction from USAC on clarification of some issues that were brought to their attention in a phone call to USAC in August 2004 [Exhibit C]. The concern was about which Form 470 should be cited on the Form 471 application for FPSD. Prior to filing Form 471, FPSD sought answers to the issue of what Form 470 to cite, FPSD and the Service Provider contacted USAC via a phone call to the Helpdesk in December 2003 and case number **21-005853** was generated. Another Help Desk call was place in Fund Year 2008, case number 21-642351 concerning EMAN Networks and equipment issues. [Exhibit D]

The information given to the school district and service provider during this call was what was used to file a Funding Request for fiber services in the Fund Year 2004. This Form 471 application Number 416127 is the foundation on how FPSD chose to file the following fund years Form 471's. During this phone call, FPSD was told to cite Central Valley School District Form 470 number on FPSD form 471. USAC approved and funded FPSD for Fund 2004 based on the information USAC received from the applicant. FPSD filed for the Fiber Service again in each Fund Year following this application based on the understanding and information given to them by USAC in regards to this funding request.

FPSD contacted USAC Help Desk on June 1, 2011 to inquire about how to request information related to a Help Desk with the case number cited above and for case number 21-542351, FPSD was given a case number of 21-005853 for this phone

call. It was explained to FPSD that they needed to file a request with the Freedom of Information Act and send the request to: 2000 L Street NW Suite 200, Washington D.C. 20036, which FPSD did do. However this request came back in the mail as Return to Sender- attempted unknown unable to forward. FPSD research further and finally located the appropriate address to send the request to. At this time, the request of information has not been sent to the school district. [Exhibit D] [Exhibit E]

For Fund Year 2005 - 2008, FPSD sought funding for their Fiber network services and received funding in 2005 and 2006 for said fiber network; however, FPSD did not receive any reimbursement for these fund years from USAC. USAC continued to ask FPSD for information in regards to the Fiber Network Services FRN requests and many times it was the same information being asked for and supplied to USAC. FPSD asked many times why did USAC need the same information over and over again but received no clear answer. FPSD sent a box of all the documentation requested by USAC which included: Central Valley RFP, Central Valley Contract, Interlocal Agreement, EMAN Network Contract, Invoices, Budget Details, to name just a few. Several weeks later in Fund Year 2008, FPSD was asked to send the same documents again. Apparently, they were received by USAC but could not be located. USAC has asked and received information regarding these applications and many times it is the same questions and information that is being sent. When asked why FPSD received no direct answer to these questions. [Exhibit F]

For instance, Liza Klumpar, a FPSD employee and IT Director for said district received a letter from USAC dated March 24, 2009 concerning Application 655551 and once again was asked the same questions concerning the Form 470 used:

Excerpt from March 24, 2009 letter:

"On your original Form 471 you indicated that Form 470 # 172600000436787 is the establishing Form 470 for the services requested on this Form 471. This Form 470 does not identify the billed entity in your Form 471. Program rules require that the billed entity on a Form 471 application be identified in the establishing Form 470 in order to ensure that potential bidders were aware of the scope of work being requested. Please review and respond to the following questions:

1. Is Form 470# 1726000004367879 (Central Valley SD 356) the establishing Form 470 for the services on this Form 471? Yes or No?

a. If NO, please provide the 15-digit Form 470 Number that did establish the bidding for the various FRNs. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. The establishing Form 470 could have been posted by the State, if the requested services are being purchased off of a State Master Contract. Different Forms 470 may be provided for each of the FRNs on the application.

b. If YES, please provide a written explanation as what is your relationship to the Billed Entity in Block 1 of this Form 470. For example, you may be a school located in the school district listed in Block 1

2. Do you wish to add Central Valley SD 256 to Block 4 the Form 470 # you have identified in question #1? (YES/NO)

a. If YES, and you are the authorized person on the Form 470, please indicate so in writing. If the entries in Item 16c change as a result of this addition, you must provide revised data for this field. Note that Item 16c can only be corrected as long as it is not a significant departure from the scope of the request and is due to clerical error.

b. If YES and you are not the authorized person on the Form 470, please provide a written statement from the authorized or contact person of that Form 470 certifying their agreement to add the entities to Block 4 of their Form 470. If the authorized person is no longer available, then this statement can come from their successor, as long as it is accompanied with an explanation of why there is a change in the authorized contact for the Form 470. This statement should include both the written name and signature of the authorized person or contact person. If the entries in Item 16c change as a result of this addition, you must provide revised data for this field. Note that Item 16c can only be corrected as long as it is not a significant departure from the scope of the request and is due to clerical error.

c. If NO, please indicate so in writing."

This is the same question that FPSD had been asked and had answers for Fund Year 2005, 2006, 2007, 2008, 2009, 2010 and 2011. At no time did USAC staff explain the nature of why this question kept being asked of FPSD. In Fund Year 2010, FPSD was contacted by three separate reviewers, asking the same questions about the same applications. Can you image how frustrating this is for an applicant?

In 2009, FPSD sought the help and support of an E-Rate Consultant and together they reviewed the history of the services being sought by the FPSD and the successes or lack of successes in receiving funding commitments from USAC. It was noted that the fiber network had not received any funding commitments since Fund Year 2006 for this service. Through a series of staff turnover and miscommunications, some applications for this service were not completed in a timely fashion. However in Fund Year 2009, 2010, and 2011 the consultant and FPSD staff worked together to properly file for this service by filing a Form 470 for this service and going through the Competitive Bid Process and sequent forms and processes. USAC once again sought answers to questions that had already been addressed by the applicant.

In a move to further understand the issue of receiving funding from USAC on these funding requests; FPSD sought a meeting with USAC staff members while attending a training conference USAC offers to applicants in the fall of 2010. At this meeting, FPSD staff member, Liza Klumpar, E-Rate Consultant Jill Stone, Washington State E-Rate Coordinator, and Susan Tenkhoff, Woodland School District Representative and Eric Chambers, Northwest ESD Representative met with USAC staff Catriona Ayers, Mel Blackwell and John Noran to discuss the issues surrounding FPSD funding request as it pertains to Eman Network Services. FPSD had been aware that other school districts had applied for funding from this service provider and were also not receiving any funding commitments. USAC could not or would not disclose in this meeting why the investigation had been taking so long or when or if USAC would be able to determine an end to the investigation of the applications of FPSD and other school districts. [Exhibit G]

The applicant, FPSD, has complied with all of USAC's requests for information including but not limited to: Bid documents, contracts, questions/answers concerning the bid process, questions/answers about Form 470's, vendor bills, etc. Not once in all this time did USAC inform the applicant that the Form 470 cited in Fund Year 2004 was not in compliance with the FCC rules and regulations. This in fact should have been caught in Fund 2004 and no funding should have been allowed based on the Form 470 cited as pursuant to FCC rules and regulations. Had this been the case, FPSD would have postponed the installation of the fiber network until Fund Year 2005 and they would have posted their own Form 470 and followed the other rules and regulations as laid out by the FCC. However this **did not occur** and FPSD was left to believe that they had followed the rules and regulations of USAC and the FCC.

FPSD acknowledges this was mistake on their part and has taken steps to correct the error prior to USAC making this determination. FPSD is very frustrated with

USAC and their lack of response to the direct questions asked to them concerning this matter over the last several years.

In conclusion, FPSD believes that USAC failed to follow its own procedures and in doing so, failed the applicant in providing clear and accurate direction and directives for these fiber service funding requests. The funding for the fiber service was in state of uncertainty for several years, and has played a part in the significant funding crisis for the school district for the past seven (6) budget years.

FPSD takes ownership in their misunderstanding of the rules and regulations pursuant to E-Rate funding and the FCC. That is why in Fund 2009, FPSD created a Form 470 application for this fiber service in question and has done so for Fund Year 2011 and 2011 without any guidance from USAC. It wasn't until April 2011 that the FPSD received a funding commitment for Fund Year 2009 and 2010 and this only occurred after several more "investigative" letters from USAC occurred and with the help of FPSD consultant and the State E-Rate coordinator that a bottom-line rational for the lack of funding over the past several years was brought to the attention of FPSD and a resolution of said funding requests was reached. [Exhibit H] [Exhibit I]

Franklin Pierce School District Information

FPSD student enrollment as noted by Office of Superintendent of Washington State [OSPI] for school year 2009-2010 as being 7,545 students of which 62.4% were eligible to participate in the Free/Reduced Lunch Program. Their school district revenue per pupil is listed as $6,431.00 [an average of 65%] vs. Washington State per pupil revenue of $6,648.00 or an average of 67%.
[Exhibit J]

The Franklin Pierce School District has had an increase in their Free and Reduced lunch program as reflected in the table below. This table also shows the amount of monies spent by the FPSD on this fiber service since the inception in 2004.

Franklin Pierce School District
BEN: 145282

FY	Form 471 Application Number	FRN Number	Estimated Annual Cost	Request Amount	Funded Amount	Disbursed Amount	Discount %
2004	416127	1143950	$568,952.00	$375,508.32	$ 375,508.32	$314,444.53	66%
2005	486499	1350034	$262,090.00	$175,600.30	$ 71,338.92	$0.00	67%
2006	534811	1481828	$111,736.80	$75,981.02	$ 72,628.92	$0.00	65%
2008	627830	1732508	$106,476.00	$78,792.40	$ -	$0.00	74%
2009	655551	1807742	$120,669.60	$88,088.81	$ 90,502.20	$0.00	74%
2010	759317	2051128	$120,669.60	$92,915.59	$ 92,915.59	$0.00	77%
2011	778050	2108606	$120,669.60	$98,949.07	$ -	$0.00	82%
			$1,411,263.60	$985,835.51	$ 702,893.95	$314,444.53	

As you can plainly see, FPSD has requested funding amounts total a little more than $900,000.00 over the past seven (7) years and has received a disbursement in the amount of $314,444.53. FPSD has had an increase of 16 % in their Free and Reduced lunch population. With the pending reductions of funding coming to the school district for upcoming school year by Washington State, FPSD will need to make further cuts in spending and will be more dependent on E-Rate funding to provide the necessary telecommunications and Internet services to students and staff members.

Relief Sought

FPSD respectfully asks that the FCC reverse the USAC decision to rescind the funds disbursed to FPSD in Fund Year 2004 for several reasons.

1) Pursuant to the FCC document FCC 04-190 - page 12 "For the administrative efficiency, the time frame for such inquiry should match the record retention requirements and, similarly, should go into effect for Fund Year 2004, Accordingly, we announce our policy that we will initiate and complete any inquires to determine whether or not statuary or rule violations exit within a five year period after final delivery of service for a specific funding year.

(FCC)" It has been clearly over the five year limitation for USAC to review and find fault with rule violations exit has long since passed.

2) Our nation is facing huge budget cuts in all areas and FPSD is no different. With the pending federal and state budget cuts to K-12 education, FPSD is already lacking in funds to cover some basic needs of students and staff and will be laying staff members off and cutting programs, so to ask a school district that is already experience a funding crisis to meet this payment request is a great burden to the school district and would cause unnecessary financial hardship to the school district.

This is a message from FPSD Superintendent to Parents and stakeholders in the school district as posted on the school district website:

" Every one of us is well aware of the effect the global recession has had on the nation and State's economy and certainly on our own personal households. For the first time in 30 years, the WA State Legislature imposed a mid-year budget reduction for schools. This means that FPS will be reduced by **almost $800,000 in the current 2010-11 school year.** The cuts we will face in the 2011-13 biennium will be even more severe. The impact on our schools will be significant over the next two to four years as we face the new "normal" of doing more with less. Many difficult choices will have to be made as we do our best to maintain the quality of our instruction. It is likely we will be forced to increase our class sizes, scale back or eliminate some specific programs, find additional efficiencies in our transportation, nutrition, and support services, and still be forced to reduce staff (including teachers, administrators, and classified personnel)." (Superintendent , 2011) [Exhibit K] [Exhibit L]

The Seattle PI reported on some of the tentative agreement reached by Washington State Elected officials on Tuesday, May 24, 2011: "Education suffered the most, accounting for roughly half of all cuts. Teachers, who have already had salaries trimmed when lawmakers decreased paid training days, face another 1.9 percent decrease while other K-12 employees could get a 3 percent reduction. Those changes will save the state $179 million over the next two years and come even though the pay for legislators will remain steady. Repeating savings from the last budget, the Legislature is looking to suspend voter-approved cost-of-living adjustments for education employees, which would save another $300 million. They've also barred any provisions to catch up on delayed adjustments in future years. **The biggest budget shift, totaling more than $1 billion, comes from suspending programs designed to keep class sizes low.** (Wash. Budget deal relies on massivce education cuts, 2011) [Exhibit K]

Furthermore, in 2006, the FCC noted the following in a decision concerning the Glendale Unified School District, Glendale, California - DA 06-244; page 3-4 "4he Commission may waive any provision of its rules on its own motion and for

good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. 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. (FCC Decsion of Appeal, 2006)

Franklin Pierce School District believes that this case warrants special recognition by the FCC and a waiver of the "general rule" and is seeking relief from the financial burden of repaying the funds disbursed to them in Fund Year 2004.

Sincerely,

Jill Stone

E-Rate Consultant

Puget Sound ESD
800 Oakesdale Ave SW
Renton, WA 98057
P: 425 917 7788
F: 425-917-7795
E: jstone@psesd.org

Bibliography

Superintendent . (2011). Retrieved 6 1, 2011, from fpschools.org: http://fpschools.org/Section.aspx?SectionID=2&ContentID=0

Wash. Budget deal relies on massivce education cuts. (2011, May 24). Retrieved 6 1, 2011, from www.seattlepi.com: http://www.seattlepi.com/default/article/Wash-budget-deal-relies-on-massive-education-cuts-1393496.php

FCC. (n.d.). Retrieved 5 31, 2011, from http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-190A1.pdf

FCC Decsion of Appeal. (2006). *DA-06-244*. Washington D.C.: FCC.

Washington State RCW. (n.d.). Retrieved 5 31, 2011, from Washington State Legislature: http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.320

Exhibits

Exhibit A: Demand Payment Letter, July 18, 2011
Exhibit B: Interlocal Cooperative Purchasing Agreement
Exhibit C: Letter Dated August 6, 2004 RE: Help Desk case number 21-005853
Exhibit D: Email message from Liza Klumpar to Jill Stone, re: Meeting with Ed Jacobs and his notes regarding USAC conversation.
Exhibit E: Freedom of Information Act Request and response.
Exhibit F: Letter Dated October 8, 2010from USAC PIA Reviewer
Exhibit G: Notes from October 2010 meeting with USAC personal, and email from Susan Tenkhoff to Jill Stone, re: EMAN FRN's; Dated 10/27/2010
Exhibit h: USAC Letter to Liza Klumpar, Dated June 15, 2011
Exhibit I: Email to Nina Krishnan from Jill Stone, re: extension Dated 6/16/11 and a written response regarding the USAC letter dates 6/15/11.
Exhibit J: Franklin Pierce School District Profile from OSPI 2009-2010
Exhibit K: email message from Liza Klumpar to Jill Stone. Re: Elementary newsletter budget reduction; dated 6/21/11; also email re: Memo from Supt. Re: budget
Exhibit L: 2011 - 2012 Budget - still a work in progress document.

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit A

ATTENTION!

When sending payments by U. S. Postal Service or major courier service (e.g. Airborne, Federal Express and UPS) please send check payment payable to:

Universal Service Administrative Company (105056)

1075 Loop Road

Atlanta, GA 30337

Phone 404-209-6377

USAC
Universal Service Administrative Company

Schools & Libraries Division

Demand Payment Letter

(Funding Year 2004: July 1, 2004 - June 30, 2005)

July 18, 2011

Ed Jacobs, RCDD
FRANKLIN PIERCE SCH DIST 402
315 129th Street S
Tacoma, WA 98444 5044

Re:	**Form 471 Application Number:**	**416127**
	Funding Year:	**2004**
	Applicant's Form Identifier:	**Fiber WAN**
	Billed Entity Number:	**145282**
	FCC Registration Number:	**0014420509**
	SPIN:	**143026476**
	Service Provider Name:	**Eman Networks**
	Service Provider Contact Person:	**Edmund Jacobs**
	Payment Due By:	**8/17/2011**

You were previously sent a Notification of Commitment Adjustment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to the Notification of Commitment Adjustment Letter. A copy of that Report is attached to this letter.

The balance of this debt is due within 30 days from the date of this letter. Failure to pay the debt within 30 days from the date of this 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.

If the Universal Service Administrative Company (USAC) has determined that both the applicant and the service provider are responsible for a Program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), USAC will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If USAC has determined that both the applicant and the service provider are responsible for a Program rule violation, this was indicated in the Funding Commitment Adjustment Explanation on the Funding Commitment Adjustment Report.

If USAC is attempting to collect all or part of the debt from both the applicant and the servic provider, then you should work with your service provider to determine who will be repaying the debt to avoid duplicate payment. Please note, however, that the debt is the responsibility of both the applicant and service provider. Therefore, you are responsible for ensuring that the debt is paid in a timely manner.

Please remit payment for the full "Funds to be Recovered from Applicant" amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

If sending payment by U. S. Postal Service or major courier service (e.g. Airborne, Federal Express, and UPS) please send check payments to:

Bank of America
c/o Universal Service Administrative Company (105056)
1075 Loop Road
Atlanta, GA 30337
Phone 404-209-6377

If you are located in the Atlanta area and use a local messenger rather than a major courier service, please address and deliver the package to:

Universal Service Administrative Company
P.O. Box 105056
Atlanta, GA 30348-5056
Phone 404-209-6377

Local messenger service should deliver to the Lockbox Receiving Window at the above address.

Payment is due within 30 days from the date of this letter.

Complete Program information is posted to the SLD section of the USAC website at www.usac.org/sl/. You may also contact the SLD Client Service Bureau by email using the "Submit a Question" link on the SLD website, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company
Schools and Libraries Division

cc: Edmund Jacobs
Eman Networks

Funding Commitment Adjustment Report
Form 471 Application Number: 416127

Funding Request Number:	1143950
Services Ordered:	TELCOMM SERVICES
SPIN:	143026476
Service Provider Name:	Eman Networks
Contract Number:	295-02-11-B
Billing Account Number:	
Site Identifier:	145282
Original Funding Commitment:	$375,508.32
Commitment Adjustment Amount:	$375,508.32
Adjusted Funding Commitment:	$0.00
Funds Disbursed to Date:	$314,444.53
Funds to be Recovered from Applicant:	$314,444.53

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, it was determined that services were delivered to an entity that was not approved to receive support. FCC rules state the FCC Form 470 must be completed by the entity that will negotiate for eligible products and services with potential service providers. On your original Form 471 application, you indicated that Form 470 # 172600000436787 is the Form 470 that established the competitive bidding process for the service(s) requested on this Form 471. In Block 17 of this Form 470, only Central Valley School District 356 was listed as the billed entity. However, Franklin Pierce School District 402 filed the above-referenced Form 471. Program rules require that the billed entity filing a Form 471 application also be identified on the establishing Form 470 to ensure that potential bidders are aware of the scope of work being requested. Since the billed entity listed on the Form 471 was not identified on the establishing Form 470, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

PLEASE SEND A COPY OF THIS PAGE WITH YOUR
CHECK TO ENSURE TIMELY PROCESSING

Jill Stone
FRANKLIN PIERCE SCH DIST 402
800 Oakesdale Ave SW
Renton, WA 98057

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit B

Interlocal Cooperative Purchasing Agreement

Between
Central Valley School District No. 356
And
Franklin Pierce School District No. 402

WHEREAS, school districts in the State of Washington are authorized by RCW 28A-320 and RCW 39.34, The Interlocal Cooperative Act, to enter into cooperative agreements and to establish and maintain a joint purchasing agency for the purchase of various equipment and services; and

WHEREAS, the districts desire to reduce their respective costs in purchasing various equipment, supplies and services for use in the school districts; and

WHEREAS, the Board of Directors of each of the school districts has determined that the best interest of each school district shall be serviced by the formation and maintenance of a joint purchasing agreement.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of Central Valley School District No. 356, Greenacres, Washington, and Franklin Pierce School District #402, Tacoma, Washington agree:

1. The Franklin Pierce School District, in contracting for the purchase of supplies, materials, equipment and services for the Franklin Pierce School District, agrees, at its discretion, to extend said contract to the Central Valley School District to the extent permitted by law, and agreed upon by the Central Valley School District and the vendors.

2. The Central Valley School District shall be responsible for compliance with any additional or varying laws and regulations governing purchases by or on behalf of the Central Valley School District.

3. Any purchases by the Central Valley School District shall be effected by a purchase contract from the Central Valley School District and directed to the vendor(s).

4. The Franklin Pierce School District shall not accept responsibility for the performances of any vendor contracted for by Central Valley School District as a result of this Agreement.

5. The Franklin Pierce School District shall not be responsible for the payment of any item(s) contracted for by the Central Valley School District as a result of this Agreement.

6. This Agreement shall continue in force until canceled in writing by either party.

Accepted for Central Valley School District No. 356	Accepted for Franklin Pierce School District No. 402
Signature	Signature
Mike Pearson	MARK L Baumgarten
Name (Print/Type)	Name (Print/Type)
Superintendent	Board chair
Title	Title
1/26/04	12-16-03
Date	Date

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit C

August 6, 2004

Mr. Bob Sniecinski
PIA Reviewer
Schools and Libraries Division

Dear Mr. Sniecinski,

Thank you for discussing the Franklin Pierce School District for 471 Application # 416127 with me. You asked me to write and clarify the use of a contract established by a different School District. I spoke with SLD personnel about this matter before the 471 was filed (case # 21-005853) and the initial notes on the case were not correct. I am writing to clarify the issue.

In Washington State a School District (governmental agency) may use a contract established for a different governmental agency using an Inter-local Purchase Agreement. I have included the paragraph below from the Central Valley School District bid allowing such purchases. In no way is this to be interpreted as a "State Contract" since each organization must have an Inter-local Agreement in place with the establishing agency. Franklin Pierce School District has a School Board approved Inter-Local Purchase Agreement in place with Central Valley School District.

Inter-local Purchase Agreement

> The Washington State Inter-local Cooperative Act (RCW 39.34.080) provides that other governmental agencies may purchase goods and services on this solicitation or contract, according to the terms and prices indicated therein.

The SLD personnel who talked with me on the above referenced case, indicated that the 471 application should reference the Central Valley School District original 470.

Thank you for your help,

Sincerely,

Edmund F. Jacobs
Consultant

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit D

Jill Stone

From: Klumpar Liza [aklumpar@fpschools.org]
Sent: Wednesday, May 19, 2010 11:44 AM
To: Jill Stone
Subject: FW: E-Rate
Attachments: Attach0.html; E-Rate Problems.docx

Hi Jill,

We met with Ed couple of weeks ago and asked him to send us details of communication between Eman and USAC. See attached.

What can we do from our side? Can you review the attachment and see if we have a leg to stand on in terms of Eman and getting our funds?

Thanks so much!

Liza

Liza R. Klumpar

Assistant Director, Information Technology

Franklin Pierce Schools

Ph. 253.298.4645

Email. aklumpar@fpschools.org

Cell. 253.405.7419

From: Stensager Timothy
Sent: Thursday, May 13, 2010 11:05 AM
To: Klumpar Liza
Subject: FW: E-Rate

Hi

Can you get the response from ESD?

Thanks

Tim

From: Ed Jacobs [mailto:ejacobs@e-eman.com]
Sent: Tuesday, May 11, 2010 8:58 AM
To: Stensager Timothy
Subject: E-Rate

Tim,

Attached are the notes from the case with the E-Rate Help Desk. They tried to close it, but since no resolution was reached it should still be open. Additionally I sent you responses to their questions.

Hope this works for all of us.

Ed

Edmund F. Jacobs

Executive Director

EMAN Networks

888-399-0297

Case # 21-642351
67% Rule. He had never heard of the rule and is trying to get verification from other people on questions.
Kathy will research and call me back.
10/9/07
Received an email from Kathy that gave no more information. she did copy the web site for me, but there was no clarification.
I called back and they passed me off to Debbie. I talked with Debbie last year about this same issue and she was still having trouble getting a clear answer.
Debbie suggested Washougal ask PIA for an extension which they granted. I spoke with Danilo from PIA and he thought there would be no problem.
10/10/07
The next day I receive a call from Debbie (Help Desk) to contact the Ombudsman for USAC since I was not getting a clear definition from PIA, or the Help Desk.
I sent an email to Bob Stiller USAC Ombudsman.
I then received an email that PIA would only give us a 7 day extension since the case # 21-642351 was closed. I called a supervisor at the Help Desk to keep the case open until we get an answer. She said that she would.
10/11/07
I spoke with Debbie and explained about PIA. She was going to escalate the problem and call Danillo Sta. Ana (PIA) to explain that we had no further explanation. The "Help Desk" and "PIA" were trying to clear their files of this case and reject the request for funds from Washougal since we contacted the Ombudsman. (Old ploy from Administration 101) Debbie will call me back today she said.
11/16/2007 Telephoned Bob Stiller (USAC Ombudsman) to follow up on the email sent on 10/10/07. Had to leave a message in his Voice Mail box. I also called the Help desk. They said Debbie would call me back.
11/20/2007 I asked Paul Stankus to have the Ombudsman review the 471s.
12/5/07 Mr. Stankus responded to my request for update with it will take many weeks.
1/2/2008
Dear Mr. Jacobs,

Your reviews are still in progress, as I indicated to you 2 weeks ago. They have not changed in status.

If by the end of January, you have not heard anything more from us, you may contact me for an updated status on your applications.

Thank you for your inquiry to the ombudsman office.

Paul Stankus

****

Paul Stankus
Assistant Ombudsman
USAC

per the Ysleta Order issued by the FCC, "direct involvement in an application process by a service provider would thwart the competitive bidding process."
In each case EMAN had no involvement with the bidding process other than to respond as a ***vendor*** *to an open and fair bidding process as defined by the SLD(above) and Washington State Law. EMAN Networks limited any consulting involvement with client(s) to projects that involved services that EMAN* ***did/does*** *not provide.*
I also wish to point out that there are no rules governing consultants within the E-Rate program.

I hope this resolves and closes these two issues. Please provide me with written confirmation that these matters are now closed.
Regards,

Ed Jacobs
206-369-0297

Mr. Roman M. Bulawski
As you mentioned in our discussion it is appropriate for vendors under "Special Review" to address one question at a time for your review. I will use that tact in our responses.

2) Please describe the specific Schools & Libraries Program consulting services that EMAN Networks has and/or related companies have performed, e.g.:

a) provided technology plan development; ***No Involvement***
b) helped schools prepare or submit the Form 470; ***For specific projects in which EMAN does not provide any services.***
c) developed network plans, technology strategies, or offered potential solutions prior to the school's submission of the FCC Form 470 for similar services; ***SP Neutral information***
d) assisted in RFP development (please note: we assume this to be the case, because RFPs reviewed show striking similarities); ***No involvement. Districts used copies of other Districts bids. The original bid was written for Spokane School District before EMAN Networks existed as a service provider. All bids exist in the "Public Domain" and as such EMAN Networks does not and cannot have any control over who copies or uses the information.***
e) evaluated telecommunications vendor responses and bids; ***No Involvement.***
f) assisted in vendor selection; ***No Involvement.***
g) filed Forms 471 and/or Item 21 Attachments for applicants; ***EMAN Networks did not file Form 471s for any client. According to SLD guidelines EMAN Networks provided information for Item 21 Attachments to clients only after the bid(s) were awarded, but never filed the information for them.***
h) provided Post-commitment Services, i.e. Filing of Appeals. ***No Involvement.***
i) Any other consulting services (please specify). ***EMAN Networks provided consulting services on projects where no EMAN services were available, i.e., dial-tone services, wiring within a school/building, telephone systems, cellular services,***

3)a) ***EMAN Networks installs 24 strand fiber optic cable or larger when installing fiber optic cable. This is an EMAN Networks policy. We reserve six (6) strands for the school district as an internal EMAN Networks policy. The district does not have any control of these six (6) strands. They are the sole and separate property of EMAN Networks. The school district RFPs require a certain bandwidth and EMAN Networks provides that bandwidth. Each school is connected to EMAN Network's MAN/WAN with one connection only as stated in the E-Rate guidelines. Multiple connections are not allowed without ordering additional service from EMAN Networks, just as it is acceptable for a school district to order multiple T-1s from Qwest, Verizon or other providers at a single district site.***

3)a) ***Bandwidth Question.***

Without exception each RFP required the vendor to provide Gigabit Ethernet to the sites listed within the RFP. EMAN Networks responded to these RFPs and having won the RFP contracted with the Districts to provide Gigabit Ethernet to each of the sites listed within their specific RFP. No dark fiber is provided by EMAN Networks to any school district. We are providing the contracted services in each case and adhering to E-Rate guidelines.

4) When excess capacity of services is requested for future growth, whether for telecommunications, Internet access, or equipment, it is only eligible if it can reasonably be utilized to capacity by the entity within two years of the submission of the funding request.

a) EMAN Networks' advertising flyer indicates that a significant amount of excess capacity is being put into place at the time of the installation. The flyer indicates that a bandwidth equivalent of 641 T1 lines is being installed, allowing for future growth of the school district's needs. Please indicate the school determined bandwidth requirements and usage at the time of the bid award in each case where EMAN Networks won the FRN for fiber or cabling installation for a school network. For each FRN, please indicate the amount of capacity put into place during the time of the installation and the amount of bandwidth currently being utilized by the districts.

At no time did a RFP use the term "excess capacity". Each RFP requested 1 Gbps of total bandwidth be provided. As we are excluded from discussing the requirements of the RFP with the school district before the RFP is released, EMAN Networks is barred by SLD rules from knowing anything about the required bandwidth capacity. The Only information provided is/was in the RFP and the requirement was/is for 1 Gbps of bandwidth.

The EMAN Network's advertising flyer is just that an advertising flyer. "The EMAN Networks solution provides the equivalent bandwidth of 647 T1 connections between sites." The brochure never mentions "Excess Capacity" only Reliability, Performance, and lower Costs. We explain that 1 Gbps is the equivalent of 641 T-1s as an example of the bandwidth. It is an example only. EMAN Networks cannot know on an individual school district basis what is "excess capacity".

Applicants are required to pay the non-discount share of the cost of the products and services. It is a violation of program rules for the service provider to waive the applicant's non-discount portion or otherwise not require payment. The applicant's share cannot come directly or indirectly from the applicant's service provider. Applicants may not receive rebates for services or products purchased with universal service discounts from the service provider providing the services.

c) Please explain the program by which EMAN Networks resells excess capacity and refunds a portion of that revenue to schools to offset their bills.
d) Please explain how EMAN Networks accounts for this revenue in its billing process to make certain that entities are still paying the required non-discount portion of the service costs for service where Schools and Libraries Program funds are involved.
e) Please explain which entities participate in this service and which do not, and if there is an option to opt out of this feature of the service.
f) Please explain how this service relates to Schools and Libraries Program eligible clients versus your clients that are not program participants, if there are differences.

EMAN Networks understands the SLD rules and adheres to their support.

c) No "excess capacity" exists within the service provided to school districts. EMAN Networks does not "refund" any portion of the revenue to the school district.

d) EMAN Networks will lower the monthly cost of our service to a school district based on the revenue generated by business with non-school district clients. The school district pays the bills we send them. Once the year is finished the school district send us a BEAR form and we make sure the lower amount is reflected on this form. This way the school district pays their fare share of the bill and both the SLD and the school district share the lower monthly cost. The school district receives their reimbursement based on the lower rate. When I asked this question at E-Rate Vendor training the response was that a lower cost was fine as long as both parties (school district and E-Rate) received the reduction.

e) Only Franklin Pierce School District participates in this service presently. There is not a provision in the contract to opt-out of the lower fee program.

f)

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit E

June 1, 2014

800 Oakesdale Ave SW
Renton, Washington
98057

USAC
Freedom of Information Act Request
2000 L Street NW
Suite 200
Washington D.C. 20036

To Whom It May Concern,

Franklin Pierce School District [BEN 145282] is requesting documentation pertaining to a Helpdesk phone call made in December 2003, Case Number 21-005853. They would like copies of all the documents and/or notes pertaining to this case number.

Sincerely,

Jill Stone
E-Rate Consultant
Puget Sound ESD
800 Oakesdale Ave SW
Renton, WA. 98057

P: 425 917 7788
E: jstone@psesd.org
F: 425 917 7795

Attached: LOA with Franklin Pierce School District.

CC: Liz Klumpar, IT Director Franklin Pierce School District

PUGET SOUND
Educational Service District

800 Oakesdale Ave SW
Renton, Washington
98057

USAC
Freedom of Information Act Request
2000 L Street NW
Suite 200
Washington D.C. 20036

To Whom It May Concern,

Franklin Pierce School District [BEN 145282] is requesting documentation pertaining to a Helpdesk phone call made in 2007 Case Number: 21-642351. They would like copies of all the documents and/or notes pertaining to this case number.

Sincerely,

Jill Stone
E-Rate Consultant
Puget Sound ESD
800 Oakesdale Ave SW
Renton, WA. 98057

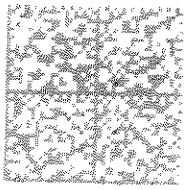
P: 425 917 7788
E: jstone@psesd.org
F: 425 917 7795

Attached: LOA with Franklin Pierce School District.

CC: Liz Klumpar, IT Director Franklin Pierce School District

UGET SOUND
lucational Service District
800 Oakesdale Ave. SW
Renton, WA 98057-5221
J. stone

Return To Sender
No longer at this address



USAC
Freedom of Information Act Request
2000 L Street NW
Suite 200
Washington D.C. 20036

NIXIE 207 DC 1 00 06/21/
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 98057522100 *1031-04374-21-

To Whom It May Concern

nentation pertaining to a Helpdesk
hey would like copies of all the

22-234762 today.
12/
21-005853 2003
Michelle
called USAC 6/1/11

Freedom Information Act
Notes from Conversation
Master Contract - State
Ed

Atten Freedom of In request
USAC 2000 L street NW
Suite 200
Washington DC
20036

Franklin Pierce School District

ASC # 22-234762 6/1/2011 phone call

Jill Stone

From: Shoko Hair <Shoko.Hair@fcc.gov> on behalf of FOIA <FOIA@fcc.gov>
Sent: Wednesday, June 29, 2011 2:14 PM
To: Jill Stone; FOIA
Cc: aklumpar@fpschools.org; Patricia Quartey; Shoko Hair
Subject: RE: Freedom of Information Request

Dear Ms. Stone:

This acknowledges receipt of your Freedom of Information Act (FOIA) request filed with the Federal Communications Commission (FCC). Your request has been assigned FOIA control number 2011-462. Agencies are allowed 20 working days to respond to your request, extending this period for an additional 10 working days under certain circumstances. See 5 U.S.C. § 552(a)(6)(A)(i) and 5 U.S.C. § 552(a)(6)(B)(i). We anticipate responding to your request by or on July 28, 2011. If additional time is needed to respond to your requests you will be notified.

If you have any questions concerning this notice, please call the FOIA Office at (202) 418-0440.

Sincerely,

Shoko B. Hair
FCC FOIA Office
shoko.hair@fcc.gov
202-418-0440

From: Jill Stone [mailto:JStone@psesd.org]
Sent: Tuesday, June 28, 2011 5:17 PM
To: FOIA
Cc: Liza Klumpar (aklumpar@fpschools.org)
Subject: Freedom of Information Request

USAC
Freedom of Information Act Request

To Whom It May Concern,

Franklin Pierce School District has been trying to obtain some documents pertaining to their E-Rate files as noted below. When we called the USAC Helpdesk, they instructed us to mail a letter to USAC at the following address: 2000 L Street NW, Suite 200 Washington DC. 20036. The letter was recently returned to us with a stamp Return to Sender –No longer at this address. The documents we are requesting were a part of a Helpdesk phone call and the notes from the Helpdesk personnel who responded to the phone call.

Franklin Pierce School District [BEN 145282] is requesting documentation pertaining to a Helpdesk phone call made in December 2003, Case Number **21-005853**. They would like copies of all the documents and/or notes pertaining to this case number.

Franklin Pierce School District [BEN 145282] is requesting documentation pertaining to a Helpdesk phone call made in 2007 Case Number: **21-642351**. They would like copies of all the documents and/or notes pertaining to this case number.

Please let me know the estimated cost of this type of search.

Sincerely,

Jill Stone
Information Systems/Erate Coordinator

Puget Sound Educational Service District 121
800 Oakesdale Ave SW
Renton, WA 98042

Seattle Phone: 425-917-7788
Tacoma Phone: 253-778-7788

Seattle Fax: 425-917-7795
Cell Phone: 206 214 6372

E: jstone@psesd.org
Blog: http://erate.blog.psesd.org
Web site: www.psesd.org

Federal Communications Commission
Washington, D.C. 20554

July 18 2011

Ms. Jill Stone
Puget Sound Educational Service District 121
800 Oakesdale Avenue, SW
Renton, WA 98042

Dear Ms. Stone:

The Federal Communications Commission (Commission or FCC) received your Freedom of Information Act (FOIA) request, and we have designated it as FCC FOIA Control No. 2011-462.[1] Pursuant to our rules, you are designated as a "Commercial" requester. Requesters who fall under this category are billed for all search and review time plus the cost of duplication. On July 12, 2011, we advised you that the estimated search and review cost to process part one of your request is $110.[2] We further advised you that we required additional information to determine whether we have records that may be responsive to part two of your request and, once clarified, the estimated search and review costs related to that portion of your request.

In your FOIA request, you seek, on behalf of Franklin Pierce School District (BEN 145282), documentation pertaining to helpdesk phone calls made (1) in December 2003 (case number 21-005853) and (2) in 2007 (case number 21-642351). You further described the latter case as likely involving a call from Ed or Edmund Jacobs of Eman Networks inquiring about which form 470 to reference for a fiber network. You also noted that the funding request numbers (FRNs) involved were 1143950, 1350034, 1481828, 1732508, and 1518343.

Despite your further description, we have not been able to locate any records that appear responsive to your request as clarified. We, however, have located a 2004 call from Jacobs, which does not reference any school, FRN, or type of service, but which asks what a school should reference on its FCC Form 471 for a particular type of purchase. If this is the information you seek, we estimate the search and review cost for this portion of your request is $110. If this is not the information that you seek, please provide greater specificity (e.g., date of call, call details, etc.)

It is important that we hear from you before we can proceed with your FOIA request. If we do not hear from you within 14 days of the date of this letter, August 1, 2011, we will consider your request withdrawn, and no further action will be taken on your behalf.

---

[1] FOIA request from Jill Stone, Puget South Educational Service District 121, to FOIA Office, Federal Communications Commission, filed June 29, 2011.

[2] Telephone call to Jill Stone, Puget South Educational Service District 121 from Nakesha Woodward, Mark Nadel, and Cheryl Callahan, FCC staff, July 12, 2011.

If you have any comments or questions, please do not hesitate to contact me via e-mail (Nakesha Woodward@fcc.gov), or telephone, 202-418-1502.

Sincerely,

Ms. Nakesha Woodward
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

cc: FOIA Officer, FCC
Royce Bancroft, USAC

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit F

Date: October 8, 2010

Liza Klumpar

Franklin Pierce School District 402

(253) 298-4645

Application # 759317, 655551, 550191, 534811, and 486499

Response Due Date: 10/22/2010

We are in the process of reviewing Funding Year(s) **2010, 2009, 2008, 2007, 2006, and 2005** Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete our review, we need some additional information. The information needed to complete the review is listed below.

Please reply to the questions below and attached for the following FRNs:

Pull Ten info

Fund Year

Application

FRN

2010

759317 – application #

FRN 2051128 – Eman

2009

655551

1807742 – Eman

2007

550191

1518343 – Eman

2006

534811

1481828 – Eman

2005

486499

1350034 – Eman

FY 2004 –
416127 – 1143950

FY 2005 –
486499 – 1350034

Lastly, please complete, sign, and date the attached certification and return with your response.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction, denial, or rescinding of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Nina Krishnan

USAC, Schools and Libraries Division

Phone: 973.581.5106

Fax: 973.599.6552

Email: nkrishn@sl.universalservice.org

Schools and Libraries Division - Correspondence Unit

30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685

Visit us online at: www.usac.org/sl

Information Request Checklist, please complete and return with your responses

On the first page of each document you provide please write the corresponding FRN(s) the document pertains to.

Item #

Items to be returned to the E-Rate Reviewer

Document(s) Title & Corresponding FRN

Status

1.

Signed & dated contracts and/or other agreements with service providers related to the Form(s) 471

☐ Enclosed

☐ N/A

2

Request For Proposal (RFP)

Please specify:

Release date: mo____/day____/year____

Due date: mo____/day____/year____

☐ Enclosed

☐ N/A

3

All bid responses received for all **Priority I & Priority II** funding requests. If no bids were received for any

FRN, please indicate so in writing. It may be helpful to include a chart as indicated below:

Appl #

FRN #

#of bids received

Vendor selected

☐ Enclosed

☐ N/A

4

Vendor selection process description (created during the bidding process)

☐ Enclosed

☐ N/A

5

Was a consultant used relating to the planning, implementation and support of your E-Rate funding requests?

☐ Yes

☐ No

If yes, provide a signed and dated Consultant Agreement(s) or Letter of Agency

☐ Enclosed

☐ N/A

6

Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process

☐ Enclosed

☐ N/A

7

Organizational Structure, such as organizational flow chart, reporting structure, etc.

☐ Enclosed

☐ N/A

8

Certification(include signature, title, and date)

☐ Enclosed

-

-

Part I: Information Regarding your Competitive Bidding and Vendor Selection Process

For each of the following items we have outlined the requested documentation you will need to supply. **Please provide the information by funding request number (FRN) unless otherwise indicated.** In the event that a document (e.g., contract, RFP, bid response, etc.) applies to multiple FRNs, simply indicate on the first page of the document which FRN(s) is supported by the document. If for any reason you do not have any of the documentation requested below, you **MUST provide a complete explanation for why it is missing**.

1) Contracts and/or other agreements

Signed and dated copies of any and all agreements related to each of the Form 471 funding request(s),

including any and all contracts, agreements, Statements of Work, etc. (**Note: cOPIES OF STATE MASTER CONTRACTS ARE NOT REQUIRED If YOU HAVE ALREADY SENT A COPY OF YOUR STATE MASTER CONTRACT tELL YOUR rEVIEWER THE TYPE OF DOCUMENT PROVIDED AND fORM 471 NUMBER, OR IF YOUR STATE MASTER CONTRACT IS LOCATED ON A WEBSITE, PLEASE PROVIDE US WITH THE WEBSITE URL.**)

Note- if you are using a SMC (State Master Contract) please provide the contract number so that we can verify contract award dates and end dates. If you have a web link or supporting documentation to the SMC, please include that in your response.

2) Requests for Proposal (RFP)

Copies of any and all requests for proposals (RFPs), invitations to bid, requests for bids, or other documentation of bid requests for services and/or products requested, or other solicitations in any way associated with the applicant's funding request(s) and/or the selection of the service provider(s) that appear(s) on the applicant's funding request(s). Be sure to include any and all amendments made to the original RFP. All RFPs should indicate when they were first made available to service providers, i.e., release and posting date as well as the due date for which bids must be submitted. If you issued any addendums to the RFP, please provide a copy of that addendum.

3) Bid Responses

Indicate the number of bids/proposals received for all funding requests and provide complete copies of any and all proposals, bid responses, etc., received in response to the Form 470, and/or any RFP, or other solicitation in any way associated with the applicant's funding request and/or with the selection of the service provider that appears on the applicant's funding requests. This information should be provided for all funding requests including tariff, month-to-month and contracted services.

4) Vendor Selection Process

Please provide your bid evaluation matrix that was used to select your vendor. Include all bids that you received and any other bid documentation such as attendance sheets, correspondences to and from the bidding vendor and a description of your bid evaluation process. This information should be provided for all funding requests including tariff, month-to-month or contracted services.

For additional information regarding this section, please visit
http://www.universalservice.org/sl/applicants/step04/construct-evaluation.aspx

5) Consulting Agreements

Please indicate if a consultant was used for the planning, implementation, and support of your E-Rate funding request(s) and provide a signed and dated copy of any consulting agreement (s) or Letters of Agency. If a consultant was not used, please indicate as such.

6) CORRESPONDENCE

Provide a copy of all correspondence between your entity and any service providers or consultants

regarding the competitive bidding process and the application process.

7) ORGANIZATIONAL STRUCTURE

If your organization functions in multiple capacities, such as consultant, service provider, and/or applicant, provide a copy of your organizational flow charts or budget clearly identifying your business functionality and reporting structure in the organization.

If there is any other documentation that would be helpful to us in our review to ensure that you complied with the Commission's rules requiring a fair and open competitive bidding process, please provide that as well.

CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of **Franklin Pierce School District 402** the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. 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 acknowledge that false statements 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 declare under penalty of perjury that the foregoing is true and correct. Executed on ____ day of _____, 2010 at _____[city], _____[state].

Signature

Date

-

Print Name

-

Title

Employer

Telephone Number

Fax Number

-

Email Address

-

Address

-

-

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit G

10/28/10 -
USAC Meeting - 8:15 Am -

Mel Blackwell - John H.
Catriona Agus Eric Chambers
Susan T.
Stacy Woodland Liza K.

Eman has ? out → response due today.

Conflict of interest
2% buy back cost of service
Comes back to who filled Form 470
- Master contract (King County directors)
(KCDA)
Who pays the fee applicant + or service provider

Review different processes use.

10yr contract

Mel promises an answer -

Who pays the 2% :- RFP ?

Send Susan T. contract information

Franklin Pierce School District

Tacoma, Washington

BEN: 145282

Fund Year	Form 471 Application Number	FRN	Funding Request Amount
2008	627830	1732508	$78,792.24
2009	655551	1807742	$88,088.81
2010	759317	2051128	$92,915.59
			$259,796.64

Franklin Pierce School District has complied with all requests for documentation on the above FRN's as well as ones dating back to 2005, 2006 and 2007. With each request, Franklin Pierce is burden with the requirement to send the same documents over and over again without any resolution to the lack of funding for these requests.

Without a resolution from USAC, Franklin Pierce School District is held hostage by a lack of funding. With a resolution either being funded or denied would greatly help this school district in meeting the needs of its students.

Jill Stone

From: Susan Tenkhoff [susant@k20wa.org]
Sent: Wednesday, October 27, 2010 10:26 AM
To: Jill Stone
Subject: RE: Eman FRNs
Attachments: Attach0.html

Well, it's looking more and more like I won't get out of here in time for dinner. Can meet EARLY on Thursday if that works. I haven't heard back from Mel and John with a specific time to meet them, but am guessing it will be either from 7 – 7.30 or 8 – 8.30 on Thursday morning. I'll scope out the facility sometime tonight (hope it's not too late!) to see where we can meet with them.

So far, it looks like Eric Chambers from NWESD 189 will be there (representing Arlington SD), and Stacy Brown from Woodland SD. Unfortunately, Joyce from Battle Ground won't be at the training afterall. Trying to get in touch with Washougal and Camas to see if they'll be there. FYI, here are the outstanding EMAN FRNs:

ESD	Applicant Name	BEN	Funding Year	471 Application Number	FRN	SPIN	Service Provider Name	Orig Commitment Request
101	CENTRAL VALLEY SCH DIST 356	145441	2007	560585	1546333	143026476	Eman Networks	$59,809.20
101	CENTRAL VALLEY SCH DIST 356	145441	2008	592193	1637886	143026476	Eman Networks	$54,608.40
101	CENTRAL VALLEY SCH DIST 356	145441	2009	650378	1786852	143026476	Eman Networks	$55,601.28
101	CENTRAL VALLEY SCH DIST 356	145441	2010	707983	1936652	143026476	Eman Networks	$55,601.28
	CENTRAL VALLEY SCH DIST 356 Total							$225,620.16
112	BATTLE GROUND SCHOOL DIST 119	145338	2007	562615	1573127	143026476	Eman Networks	$10,344.70
112	BATTLE GROUND SCHOOL DIST 119	145338	2008	615418	1694726	143026476	Eman Networks	$11,255.06
112	BATTLE GROUND SCHOOL DIST 119	145338	2009	675356	1843941	143026476	Eman Networks	$12,147.54
	BATTLE GROUND SCHOOL DIST 119 Total							$33,747.30
112	CAMAS SCHOOL DISTRICT 117	145341	2008	603630	1702670	143026476	Eman Networks	$35,618.98

	CAMAS SCHOOL DISTRICT 117 Total							**$35,618.98**
112	WASHOUGAL SCHOOL DIST 112-6	145371	2007	579963	1605388	143026476	Eman Networks	$252,173.73
	WASHOUGAL SCHOOL DIST 112-6 Total							**$252,173.73**
112	WOODLAND SCHOOL DISTRICT 404	145376	2007	555742	1599062	143026476	Eman Networks	$9,744.85
112	WOODLAND SCHOOL DISTRICT 404	145376	2008	631698	1745312	143026476	Eman Networks	$10,173.77
	WOODLAND SCHOOL DISTRICT 404 Total							**$19,918.62**
121	FRANKLIN PIERCE SCH DIST 402	145282	2008	627830	1732508	143026476	Eman Networks	$78,792.24
121	FRANKLIN PIERCE SCH DIST 402	145282	2009	655551	1807742	143026476	Eman Networks	$88,088.81
121	FRANKLIN PIERCE SCH DIST 402	145282	2010	759317	2051128	143026476	Eman Networks	$92,915.59
	FRANKLIN PIERCE SCH DIST 402 Total							**$259,796.64**
189	ARLINGTON SCHOOL DISTRICT 16	145204	2007	570101	1573616	143026476	Eman Networks	$21,588.94
189	ARLINGTON SCHOOL DISTRICT 16	145204	2008	605695	1668932	143026476	Eman Networks	$76,248.08
189	ARLINGTON SCHOOL DISTRICT 16	145204	2008	592459	1637456	143026476	Eman Networks	$19,789.86
189	ARLINGTON SCHOOL DISTRICT 16	145204	2009	667957	1847203	143026476	Eman Networks	$22,936.02
189	ARLINGTON SCHOOL DISTRICT 16	145204	2010	752256	2032593	143026476	Eman Networks	$22,936.02
	ARLINGTON SCHOOL DISTRICT 16 Total							**$163,498.92**

My cell is 360.561.7266...

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit H

Cc: Jill Stone

USAC
Universal Service Administrative Company

Subject:
Franklin Pierce
E-Rate
Applications

Date: June 15, 2011

Liza Klumpar
Franklin Pierce School District 402
(253) 298-4645

Response Due Date: ***June 22, 2011***

We are in the process of reviewing Funding Year(s) **2004-2011** Form(s) 471 to ensure that they are in compliance with the rules of the Universal Service program.

The FCC's rules require a fair and open competitive bidding process free from conflicts of interest. Under the Commission's rules, the service provider may not participate in the bidding process. Franklin Pierce entered into an Inter-local agreement with Central Valley School District. Based on the responses received from Central Valley School District, Ed Jacob of EMAN Networks was part of planning discussions and team that eventually lead to the creation of the RFP for Central Valley School District's fiber project. That RFP which was released on December 13, 2002, ultimately led to the award of the contract to. EMAN Networks.

Ed Jacobs was involved in the planning process through the issuance of the RFP and was not removed from his role as an advisor/consultant until after the RFP was posted and the EMAN Networks bid was received. Because EMAN, a bidder, and subsequently the contract awardee, participated in the planning and creation of the bid specifications, the contract between Central Valley School District and EMAN Networks is in violation of program rules. The FRNS for Central Valley School District related to the EMAN Networks contract are being denied, since Franklin Pierce School District entered into an Inter-local agreement with Central Valley School District based on this contract, these FRNs are being denied as well.

This denial is applicable for the life of the multi-year contract that was entered into for these FRNs. The following FRNs will be denied and rescinded in full:

Fund Year	471	FRN
2004	416127	1143950
2005	486499	1350034
2006	534811	1481828
2007	550191	1518343
2008	627830	1732508
2009	655551	1807742
2010	759317	2051128
2011	778050	2108606

If the FRN should not be denied and you have alternative information, please provide the supporting documentation and sign the certification below.

If you fail to respond to this email within 7 days, we will perform the action(s) listed above.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Nina Krishnan
USAC, Schools and Libraries Division
Phone: 973.581.5106
Fax: 973.599.6552
Email: nkrishn@sl.universalservice.org

CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of **Franklin Pierce School District 402** the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. 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 acknowledge that false statements 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 declare under penalty of perjury that the foregoing is true and correct. Executed on ___ day of _____, 2011 at _____[city], _____[state].

Signature	Date
Print Name	Title
Employer	
Telephone Number	Fax Number
Email Address	
Address	

Confidentiality Notice: *The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is* ***STRICTLY PROHIBITED****. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.*

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit I

Jill Stone

From: Krishnan, Nina <NKRISHN@sl.universalservice.org>
Sent: Thursday, June 16, 2011 4:03 AM
To: Jill Stone; aklumpar@fpschools.org
Subject: RE: Franklin Pierce E-Rate Applications

Hi Jill,

I can grant you an extension until June 30, 2011. Please contact me if you have any questions.

Regards,
Nina

From: Jill Stone [mailto:JStone@psesd.org]
Sent: Wednesday, June 15, 2011 3:48 PM
To: Krishnan, Nina; aklumpar@fpschools.org
Subject: RE: Franklin Pierce E-Rate Applications

7 days to respond

Nina,

Franklin Pierce School District is requesting an extension on the June 22, 2011 deadline. We will need more time to analyze your letter and research the facts before we respond to this letter. They are requesting a new deadline of June 30, 2011.

Sincerely,

Jill Stone
Information Systems/Erate Coordinator

Puget Sound Educational Service District 121
800 Oakesdale Ave SW
Renton, WA 98042

Seattle Phone: 425-917-7788
Tacoma Phone: 253-778-7788

Seattle Fax: 425-917-7795
Cell Phone: 206 214 6372

E: jstone@psesd.org
Blog: http://erate.blog.psesd.org
Web site: www.psesd.org

From: Krishnan, Nina [mailto:NKRISHN@sl.universalservice.org]
Sent: Wednesday, June 15, 2011 7:26 AM
To: aklumpar@fpschools.org

PUGET SOUND
Educational Service District

Nina Krishnan
USAC, Schools and Libraries Division
Phone: 973.581.5106
Fax: 973.599.6552
Email: nkrishn@sl.universalservice.org

RE: Application Number(s) 416127, 486499, 534811, 627830, 655551, 759317, 778050

Dear Nina,

Thank you for granting the extension for responding to this letter. Liza and I have met several times in the last week to review this letter and to review the funding request information. We do not believe that the following FRN's should be denied funding:

2009	655551	1807742
2010	759317	2051128
2011	778050	2108606

In **Fund Year 2009** Franklin Pierce posted a Form 470 934030000703894; which triggered a Competitive Bidding Window for all the services listed on it which included Gigabyte Services for the school district. Franklin Pierce School District received bids for Cellular Service by using the State Master Contracts posted on two websites in Washington State.

They received no bids or any solicitations from other Telecommunications Companies regarding their Gigabyte Service needs. Franklin Pierce used the only "bid" that they did have which was their current vendor invoices from Eman Networks. Since the vendor selected was the same vendor selected in the previously-funded application from 2004, they elected to reference the Form 470 from 2004 but now understand that this was a mistake on their part. They are requesting that the establishing Form 470 for Fund Year 2010 be changed to **Form 470 934030000703894.**

In **Fund Year 2010** Franklin Pierce posted a Form 470 169310000800754; which triggered a Competitive Bidding Window for all the services listed on it which included Gigabyte Services for the school district. They attempted to solicit other vendors for their Gigabyte Service needs but again received no new bids.

Franklin Pierce used the only "bid" that they did have which was their current vendor invoices from Eman Networks. Since the vendor selected was the same vendor selected in the previously-funded application from 2004, they elected to reference the Form 470 from 2004 but now understand that this was a mistake on their part. They are requesting that the establishing Form 470 for Fund Year 2010 be changed **to Form 470 169310000800754**.

In **Fund Year 2011** Franklin Pierce posted a Form 470 252250000867830; which triggered a Competitive Bidding Window for all the services listed on it which included Gigabyte Services for the school district. They attempted to solicit other vendors for their Gigabyte Service needs but again received no new bids. They did have some companies express an interest in their Gigabyte Service needs; One Tel began discussions with Franklin Pierce in September 2010 – they reviewed the Eman Contract and the Network design. Liza Klumpar and I spoke with One Tel on September 10, 2010 to discuss Franklin Pierce School District issues with Eman and what their current needs were. But Franklin Pierce did not receive an actual bid from One Tel. UPN, LLC sent a response to the Form 470 posted, but did not follow through with any Bid Proposals.

Franklin Pierce used the only "bid" that they did have which was their current vendor invoices from Eman Networks. Since the vendor selected was the same vendor selected in the previously-funded application from 2004, they elected to reference the Form 470 from 2004 but now understand that this was a mistake on their part. They are requesting that the establishing Form 470 for Fund Year 2010 be changed to **Form 470 252250000867830**.

Sincerely,

Jill Stone

Erate Consultant
Puget Sound ESD
800 Oakesdale Ave SW
Renton, WA 98057

CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of **Franklin Pierce School District 402** the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. 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 acknowledge that false statements 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 declare under penalty of perjury that the foregoing is true and correct. Executed on 31 day of March, 2011 at TACOMA [city], WA [state].

Signature	Date 3/31/11
Print Name ANNALIZA KLUMPAR	Title DIRECTOR IT
Employer FRANKLIN PIERCE SCHOOLS	
Telephone Number 253.298.4645	Fax Number 253.298.4624
Email Address aklumpar@fpschools.org	
Address 315 12th ST E. TACOMA, WA 98444	

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit J

Franklin Pierce School District

Frank Hewins - Superintendent
(253) 298-3010
fhewins@fpschools.org

District Information

Number of Schools	14
Grade Span	PK-12

Student Information (2009-10)

	District	State
Enrollment	7,545	1,036,135
Eligible Free/Reduced Lunch	62.4 %	41.8 %
Special Education	12.4 %	12.6 %
Transitional Bilingual	7.3 %	8.1 %
Foster Care	0.6 %	0.5 %
Ethnicity		
African American/Black	13.4 %	5.6 %
American Indian/Alaskan Native	2. %	2.5 %
Asian	7.7 %	7.9 %
Hispanic	13.5 %	16.0 %
Pacific Islander	6.8 %	0.9 %
White	46.3 %	63.8 %

State Assessment Results (% Meeting Standard 2009-2010)

	Reading		Math		Writing		Science	
Grade	District	State	District	State	District	State	District	State
3	63 %	72 %	50 %	62 %	--	--	--	--
4	65 %	67 %	57 %	54 %	61 %	61 %		
5	68 %	70 %	50 %	54 %	--	--	25 %	34 %
6	63 %	65 %	40 %	52 %	--	--	--	--
7	54 %	63 %	42 %	55 %	67 %	70 %	--	--
8	69 %	69 %	47 %	52 %	--	--	53 %	55 %
10	72 %	80 %	31 %	42 %	83 %	86 %	34 %	45 %

Graduation Rates (2008-2009)

	District	State
On-Time (4 Years)	57 %	74 %
Extended (5 or More Years)	67 %	79 %

SCHOOL DISTRICT REVENUES

		District		State	
	Revenue	Per Pupil	Average	Per Pupil	Average
State	$ 47,005,533	$ 6,431	65 %	$ 6,648	67%
Federal	11,512,459	1,575	16 %	1,304	13%
Local Tax	12,333,744	1,687	17 %	1,909	19%
Other	1,395,696	191	2 %	68	1%
Total	$ 72,247,432	$ 9,884		$ 9,929	

SCHOOL DISTRICT LEVIES

		Maintenance and Operations Levies	
Levy Lid (2010 CY)		District	State
Max Authorized	Assessed Value Per Student	$ 520,522	$ 872,196
$ 12,872,669	M&O Levy Per Student	1,782	1,771
Approved By Voters	Levy Equalization Per Student	430	267
$ 13,058,569	Total Per Student	$ 2,212	$ 2,038

TAX RATE PER $1000/ASSESSED VALUE (2010)

	District	State Average
Maintenance and Operations	$ 3.425	$ 2.030
Debt	0.572	1.259
Transportation	0.000	0.001
Capital	0.324	0.167
Total	$ 4.321	$ 3.457

SCHOOL DISTRICT STAFFING (2009-2010 REPORTED STAFFING INFORMATION)

	District		State	
	FTE	%	FTE	%
Certificated Classroom Teachers	404	53 %	53,620	53 %
Educational Staff Associates*	69	9 %	7,394	7 %
Classified Staff	266	35 %	36,905	36 %
Administrators				
- Central Office	9	1 %	1,107	1 %
- Building	21	3 %	2,792	3 %

*e.g., Counselors, Librarians, Nurses

Teacher Information	District	State Average
Avg. yrs of teaching experience	11	14
Teachers with 5 yrs or less exp.	34 %	21 %
Avg. Teacher Supplemental	$ 10,251	$ 10,569
Avg. Base Salary	$ 50,337	$ 53,056
National Board Certified Teachers	43	---

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit K

Jill Stone

From: Klumpar Liza <aklumpar@fpschools.org>
Sent: Tuesday, June 21, 2011 11:52 AM
To: Jill Stone
Subject: FW: elementary newsletter budget reduction points

From: Painter William
Sent: Tuesday, June 21, 2011 11:33 AM
To: Klumpar Liza
Subject: FW: elementary newsletter budget reduction points

From: Painter William
Sent: Wednesday, May 18, 2011 3:24 PM
To: Elem Principals
Cc: Hewins Frank; Stensager Timothy; Kilcup Ted; Benson Gary
Subject: elementary newsletter budget reduction points

Dear Elementary Principals:

Thanks for your input this morning. We've condensed, revised and streamlined. Please use the following as a guide to craft your own message in your next newsletter. You may also use the language *ver batim* if you deem appropriate.

Date: 18 May 2011
To: Elementary Principals
From: Willie Painter
Re: budget reduction announcement for your next newsletter

In the district's effort to shore up an anticipated $4.8 million shortfall, the district has been working closely with stakeholders including parents, principals and staff to find ways of reducing expenditures in ways that minimize the adverse impact on the quality of education our students receive, all while keeping as many of our staff employed as possible. Admittedly, this is no easy task. It requires exploring how to do business differently under a "new normal" of reduced funding. District administration has had conversations with many members of the community, including parents, to help identify areas where reductions least harm the high quality of educational program for which Franklin Pierce Schools is known.

At the elementary level, there are two such reductions that we want to notify you about. The first is the reduction of P.E. specialist positions. The district is not eliminating P.E., but it will be delivered differently. The district is still working with the principals to identify how to do that in the best way. Please know that each elementary school WILL still provide P.E. to students. The second is the reduction of Information Technology Specialists (ITS), sometimes referred to as "librarians." Some of the existing ITSs will assume teaching roles in classrooms, while the remaining ITSs will pair with classified staff to cover elementary schools using a split-shift model.

Nobody likes the difficult position that the economy and state legislature is placing us in. Nor does anyone like the strain and stress it places on the district's committed and passionate staff. Unfortunately, all possible choices are bad. We very much appreciate all of the ideas that parents and staff have shared with the district so far. If you have any questions or would like to share your thoughts or ideas, please email Willie Painter at wpainter@fpschools.org.

Jill Stone

From: Klumpar Liza <aklumpar@fpschools.org>
Sent: Tuesday, June 21, 2011 11:52 AM
To: Jill Stone
Subject: FW: Memo from Supt. Hewins, Re: Budget Update

From: Painter William
Sent: Tuesday, June 21, 2011 11:34 AM
To: Klumpar Liza
Subject: FW: Memo from Supt. Hewins, Re: Budget Update

From: Painter William
Sent: Wednesday, May 11, 2011 4:41 PM
To: District_Staff
Subject: Memo from Supt. Hewins, Re: Budget Update

Date: 11 May 2011
To: All District Staff
From: Dr. Frank Hewins, Supt.
Re: Budget Update for the 2011-2012 School Year

In the midst of these uncertain times during the annual budget preparation process, I am glad to be able to share some good news with you. Due to enough attrition (retirements, resignations, etc.), we will not be forced to RIF (layoff) any certificated positions. Additionally, we are also happy to announce that we will not be forced to increase class sizes.

The goal to keep our quality staff employed has been met, but as you know, transfers are necessary to ensure that every certificated person retains their employment in the district.

In the spirit of transparency, I want to let you know some of these transfers, and how they will affect your school. This afternoon, seven elementary PE specialists and one elementary science specialist were notified that their positions have been cut, but that every one of them will be transferred to positions in the district for which they are qualified. PE will still continue to be part of the educational program within all of our schools, but we will need to be creative in how we deliver the instruction.

I want to assure elementary teachers that the required 100 minutes per week of structured PE time will be met by utilizing recess (50 minutes per week), with the remaining 50 minutes being achieved through a variety of flexible solutions. We are open to any option that minimizes the adverse impact in the classroom. We will remain sensitive to precious teacher planning time, as well.

I am fully aware of the benefits that elementary physical education and science specialists provide, and therefore these cuts are being made reluctantly. However, difficult decisions have to be made to ensure that the quality of learning in the classroom is protected as much as possible.

I also want you to be aware of non-classroom reductions that have been made so far for next school year:

- Deferred maintenance and possibly reduced personnel at Support Services - $100,000
- Reduced personnel and supplies at Information Technology - $80,000
- Elimination of dean positions - $300,000 (salary & benefits)
- Reduced contract spending in K-12 - $30,000
- Reduced contract spending in Human Resources - $220,000
- Elimination of the Learning Support Services Assistant Director position - $144,000 (salary & benefits)
- Learning Support Services - $448,000
- Elimination of Teacher On Special Assignment (TOSA) position in Teaching and Learning - $114,000 (salary & benefits)
- Elimination of C Teams in athletics, along with reduced transportation - $110,000
- Career and Technical Education - $100,000
- Long Range Planning - $50,000
- Teaching and Learning Curriculum Adoptions - $400,000
- Teaching and Learning Summer School - $31,000

The district will also reduce expenditures in Transportation by $240,000 due to changes in how we transport students to and from school.

Add the non-classroom reductions and the Transportation savings to the approximate 35 less teaching positions district-wide, and the district has reached its total anticipated reduction of $4.8 million for next year.

All reductions are being made using the district's vision, mission, beliefs and goals as our collective guidepost.

We will do our best to keep you apprised of further changes as we receive new information or as the Legislature proceeds toward compromising on a final budget.

Thank you all for your commitment and dedication to our students during these uncertain times.

###

Before the Federal Communication Commission

Washington, D.C. 20554

CC Docket No. 02-6

Franklin Pierce School District

Tacoma, Washington

Bill Entity No. 145282

Exhibit L

2011-2012 Budget still a work in progress

A person merely needs to pick up a newspaper from any day in the past three months to realize the difficult situation the economy has placed on our state legislature. The reality of reductions is all too apparent to school district employees; nearly every district in the state has experienced annual reductions for the past five or more years. Earlier this year, the legislature passed a supplemental budget which took back over $800,000 in anticipated state apportionment, something it hasn't done in nearly 30 years.

Over the past six years, Franklin Pierce Schools has made $3.6 million in reductions to balance the budget.

Position/Program	Quantity	Cost Savings
Athletics (capital, travel, etc)	-	$62,000
Travel	-	$100,000
Summer School (I-728 reduction)	-	$100,000
Central Office Clerical Staff	6	$305,000
District Athletic Director	.5	$50,000
District Asst. Director – Responsive Services	1	$118,000
Elementary Counselor	1	$66,500
Transportation (combined secondary routes, no mid-day)	-	$140,000
1% cut to each department and school	-	$705,000
Executive Directors	2	$280,000
District Director of CTE	1	$110,000
Teachers on Special Assignment (TOSAs)	4.6	$460,000
Family Support	2	$60,000
Nurses	3	$150,000
Transition Specialist	1	$60,000
School Resource Officer (P.C. Deputy)	1	$80,000
District Mail	.4	$20,000
Counselor	.4	$25,000
Secondary Staffing	6.5	$400,000
Secondary Librarians	3	$180,000
Paraeducator Time (100 hours)	-	$175,000
Deans	.6	$45,000

As you can see, over the past six years, most reductions were arguably far away from the classroom. Using the district's mission, vision, beliefs, and core business to act as the collective guidepost, reductions were made to mitigate the potential negative impact at the classroom level. Although the deep reductions anticipated for next year will unfortunately affect the classroom, we will strive to maintain our commitment to protect student learning.

The district won't know exactly what funding reductions will have to be made in next year's budget until the legislature passes a final budget. Early estimates predict that the district's net reduction may be as high as $4.8 million for next year alone. This number is higher than what may have been presented earlier, as pinpointing the total reduction is a moving target due to what we hear from Olympia.

2011-2012 Budget still a work in progress, cont.

It is too early to know all the reductions at this point, but there are some reductions to administration, classified staff, and materials and supplies that will help us lessen any reductions to the classroom.

These reductions will include:

- Deferred maintenance and possibly reduced personnel at Support Services - $100,000
- Reduced personnel and supplies at Information Technology - $80,000
- Elimination of dean positions - $300,000
- Reduced contract spending in K-12 - $30,000
- Reduced contract spending in Human Resources - $10,000
- Elimination of the Learning Support Services Assistant Director position - $144,000
- Learning Support Services - $448,000
- Elimination of C Teams in athletics, along with reduced transportation - $110,000
- Career and Technical Education - $100,000
- Long Range Planning - $50,000
- Teaching and Learning Curriculum Adoptions - $400,000
- Teaching and Learning Summer School - $31,000

Two other changes which will help tremendously next year are ideas recently vetted by two community forums: adjusting bell schedules to accommodate a different strategy of transporting students which will save an estimated $240,000 per year and a 90 minute early dismissal on most Wednesdays next school year to create capacity for collaborative time. The majority of parents (and staff) who attended the community forums agreed that these two ideas go a long way towards improving the quality of instruction for our students despite reduced funding.

One of the key solutions to this challenging budget puzzle is attrition. At this early stage of trying to predict next year's budget, the district administration believes that approximately five classroom teachers out of the district's total 527 certificated positions may be laid off. This number would otherwise be closer to 35 if not for retirements, resignations, non-renewal of provisional contracts, etc. which have created openings and additional capacity to save jobs. The vacancies created by attrition allow for transferring and reorganizing in ways that ultimately save teaching jobs, a strong message and request that the district administration has heard from parents and staff alike.

District administration will do its best to keep everyone apprised of the district's budget status, but it likely won't be until the legislature passes its budget that additional information will be known.

Please know that our focus is to save as many jobs as possible, but that some job loss is unfortunately inevitable given the anticipated gargantuan reduction in funding for next year.

As mentioned earlier, our key to saving jobs is to know where vacancies will be created through attrition. If any employee is planning to retire or resign, please contact Human Resources as soon as possible to assist in budget planning.

The creative ideas about budget efficiencies and reduction areas that staff have continued to share has been invaluable to the process. As always, the district welcomes additional ideas and thoughts on creative efficiencies which may be of help to the district and its students as budget planning continues. Please send your thoughts to Asst. Supt. Tim Stensager at tstensager@fpschools.org.

Working together to identify the areas of reduction that will least impact the quality of education our students receive is perhaps the best method to achieve that goal.