



# CONESTOGA VALLEY SCHOOL DISTRICT

2110 Horseshoe Road • Lancaster, Pennsylvania • 17601  
(717) 397-2421 • FAX (717) 397-0442

Gerald G. Huesken, Ed.D.  
Superintendent of Schools

Kim L. Seldomridge  
Director of Administrative Services  
(717) 399-1547  
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(717) 397-2421  
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August 30, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

## Request for Review

CC Docket No. 02-6

### **Applicant Information:**

Funding Year 2010  
Applicant Name: Conestoga Valley School District  
Form 471 Application Number: 741666  
Funding Request Number: 2002404  
Billed Entity Number: 125811  
FCC Registration Number: 0014119606  
Service Provider Name: Windstream Communications  
Date of Notification of Commitment Adjustment Letter: July 12, 2011

### **Applicant contact information:**

Adele Huntzinger  
Conestoga Valley School District  
2110 Horseshoe Road  
Lancaster, PA 17601-6006  
Telephone: 717-397-2421 ext. 1010  
Fax: 717-397-0442  
e-mail: [adele\\_huntzinger@cvsd.k12.pa.us](mailto:adele_huntzinger@cvsd.k12.pa.us)

RE: Letter of Appeal of Commitment Adjustment

Dear FCC Staff:

Conestoga Valley School District is requesting your consideration of our appeal of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) decision to deny e-rate funding to our school district for the 2010 funding year.

The Funding Commitment Adjustment Report for Form 471, Application Number 741394 stated that the School District "failed to comply with all FCC, state and local procurement/competitive bidding requirements – documentation was provided that show potential bidders were actively discouraged from bidding".

Conestoga Valley School District is a public school district located in Pennsylvania with a student enrollment of about 4,000 students. As with other public school districts, the economy has caused budgetary reductions. Our School District respects the rules and regulations pertaining to the e-rate discount process and we are respectfully requesting that the SLD decision be reversed in full.

The services being denied are month to month tariffed telecommunication services. In reading the e-rate instructions, these tariffed telecommunication services are subject to the competitive bidding process. That requirement was met by the School District through the posting of the form 470 for the full 28 days. Although the School District was contacted by various vendors, the School District did not receive price quotes from any of those vendors.

With all due respect, the School District did not discourage vendors from bidding. The form 470 was posted for the required 28 day period. Furthermore, the School District did not receive any proposals from any vendor for the 2010 funding year. Documentation between the School District and vendors contacting the School District was provided to SLD stating that the School District would accept proposals from vendors for the 2011 funding year. The School District was under significant budget deadlines for the 2010 funding year and to engage in a review process of all proposals would have required additional staffing.

The following is the critical argument for reversing the decision to deny funding for from 471 application number 741666, service provider Windstream Communication. For the 2011 funding year, the School District posted the form 470 as required. The review of the proposals received and matrix evaluation was conducted and the service provider for this form 471 application, Windstream Communication, was selected as the service provider for funding year 2011 for the entire School District with the exception of the service area where the incumbent Frontier Communications is located. No service provider has submitted proposals for the area represented by Frontier.

Our appeal is based on the fact that Windstream was the service provider for funding year 2010 and was awarded service provider for 2011 based upon the matrix evaluation of proposals received. Had proposals been received for 2010, it is unlikely that the results would have been the different.

As mentioned earlier, the School District is under considerable budgetary stress and denial of our e-rate funding will have a significant impact. Our budgets have already been deeply cut by large reductions in state and federal subsidies. The School District strives to cut costs in all areas and does not waste any money. We have been completely open and honest with the information provided to SLD at USAC and did so in a timely basis. We believe that the denial of our e-rate funding is in error since we did post the services for the required 28 days on form 470 and, again, we did not discourage vendors from providing proposals. No vendor submitted any telecommunication rates for the 2010 funding year. To deny our funding is extremely punitive to the School District during such difficult economic times.

Thank you for your time in reviewing our request to reverse the SLD decision. We will gladly provide you with any additional information in a very timely manner.

Sincerely,

  
Adele Huntzinger, CPA  
Asst. Director of Business Services



Notification of Commitment Adjustment Letter

Funding Year 2010: July 1, 2010 - June 30, 2011

July 12, 2011

Adele Huntzinger  
CONESTOGA VALLEY SCHOOL DIST  
2110 HORSESHOE RD  
LANCASTER, PA 17601 6006

Re: Form 471 Application Number: 741666  
Funding Year: 2010  
Applicant's Form Identifier: Windstream  
Billed Entity Number: 125811  
FCC Registration Number: 0014119606  
SPIN: 143030766  
Service Provider Name: Windstream Communications, Inc.  
Service Provider Contact Person: Cindy Brenning

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

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

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

TO APPEAL THIS DECISION:

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

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

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

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

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

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

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

FUNDING COMMITMENT ADJUSTMENT REPORT

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

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

Schools and Libraries Division  
Universal Services Administrative Company

cc: Cindy Brenning  
Windstream Communications, Inc.

Funding Commitment Adjustment Report for  
Form 471 Application Number: 741666

Funding Request Number: 2002404  
Services Ordered: TELCOMM SERVICES  
SPIN: 143030766  
Service Provider Name: Windstream Communications, Inc.  
Contract Number: MTM  
Billing Account Number: 717-397-2421  
Site Identifier: 125811  
Original Funding Commitment: \$8,100.00  
Commitment Adjustment Amount: \$8,100.00  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$0.00  
Funds to be Recovered from Applicant: \$0.00  
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2010 FCC Form 470 you certified that all bids received would be carefully considered and that the bid selected would be for the most cost-effective service or equipment offering and you certified that you reviewed and complied with all FCC, state and local procurement/competitive bidding requirements. During the course of review it was determined that you failed to comply with all FCC, state and local procurement/competitive bidding requirements - documentation was provided that shows potential bidders were actively discouraged from bidding. The FCC rules require that the applicant submits a bona fide request for services by conducting internal assessments of the components necessary to use effectively the discounted services they order, submitting a complete description of services they seek so that it may be posted for competing providers to evaluate and certify to certain criteria under penalty of perjury. Since you prevented the potential bidders from formulating their bids you violated the competitive bidding process. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Conestoga Valley School District, BEN #125811  
 2011 Funding Year Proposal Evaluation

Grade:

- 0 = Not Acceptable
- 1 = Fair
- 2 = Good
- 3 = Excellent

		<u>Line</u> <u>Systems</u>	<u>One</u> <u>Communication</u>	<u>Windstream</u>
Price of Eligible Services	35	25	35	30
Prior Experience, quality of service	30	0	0	30
In State/Local Representation	15	15	15	15
Cost of ineligible products	5	5	0	5
Financial Stability	5	5	2	5
Transition Time	5	5	5	5
Response time to service calls	5	10	15	10
	<hr/>			
	<u>100</u>	<u>65</u>	<u>72</u>	<u>100</u>



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Adele H. Huntzinger, CPA  
Assistant Director of Business Services  
(717) 397-2421  
email: adele\_huntzinger@cvsd.k12.pa.us

September 15, 2010

Universal Services Administrative Company  
Schools and Library Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Dear Sir/Madam:

RE: Billed Entity Number 125811  
Applications 741666, 741572, 741394, 741725  
FRN 2002104, 2002357, 2002404 and 2002547  
Funding year 2010

Conestoga Valley School District received a request for additional information as follows.

1. Was there a contract in place for the services being requested? If yes, please provide a copy of the full contract, signed and dated by both parties.

No contracts were in place for the services being requested for the FRNs listed above. We did have a contract for long distance service with NTE/Voicering but that contract expired on June 30, 2010. We continue services with the same provider for 2010-11.

2. Also please provide the following information in reference to establish form 470 for FRN 2002104, 2002404, 2002357 and 2002547.

Request for proposals:

Conestoga Valley School District posted form 470 for all above referenced FRNs. No other bid requests or request for proposals were solicited by the school district. We did receive e-mails from service providers requesting meetings to discuss

their services. In previous correspondence provided to you, we responded to the service providers indicating that we would be bidding those services for the 2011-12 service year. We did not change any companies providing service from the 2009-10 year to the 2010-11 year. All services are provided on a month to month basis continuing with the existing service providers. **No contracts were signed. No proposals containing proposed fees were ever received for the above referenced FRNs.**

**Bid Responses:**

No bids, no proposals were received from any service provider for the above referenced FRNs. Some service providers did send information about their companies but did not provide any proposals of fees.

**Vendor Selection:**

Since no bids were received, we continued our telecommunication services with the existing service providers on a month to month basis.

Effective September 20, 2010, I will begin a six week medical leave of absence. Please continue to send all correspondence to my attention via e-mail but please include my supervisor as a contact person, Mr. Kim Seldomridge, [kim\\_seldomridge@cvsd.k12.pa.us](mailto:kim_seldomridge@cvsd.k12.pa.us).

If you have any questions or need additional information, please contact me via e-mail at [adele\\_huntzinger@cvsd.k12.pa.us](mailto:adele_huntzinger@cvsd.k12.pa.us) or by phone at 717-397-2421 ext. 1010. Again, the District will take the necessary measures to comply with all e-rate requirements.

  
Adele Huntzinger  
Asst. Director of Business Services

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Adele H. Huntzinger, CPA  
Assistant Director of Business Services  
(717) 397-2421  
email: adele\_huntzinger@cvsd.k12.pa.us

July 20, 2010

Universal Services Administrative Company  
Schools and Library Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Dear Sir/Madam:

RE: Billed Entity Number 125811  
Application Number 741666  
FRN #2002404  
Funding year 2010

Conestoga Valley School District received notice from USAC regarding a compliance review of the District's e-rate applications. Attached is the completed information checklist as well as the District's organizational chart. The District does not employ the services of an e-rate consultant.

Application number 741666 is for month to month telecommunication services.

We certainly understand and respect the rules and regulations pertaining to the e-rate discount process. As evidenced by the e-mail communication with One Communications, MHIB Consulting and Broadview Networks, it is the intent of the school district to conduct a thorough bid process during the posting period for the upcoming service year. To conduct a bid process for the 2010-11 service year would not have been cost effective as the district would have had to engage additional staffing as the 470 posting period conflicted with significant budget deadlines. It is our objective to conduct a bid review in great detail and make the best decision for the district taking into account any and all related issues.

(A)

A complete evaluation of proposals will be conducted and the matrix completed. Cost will, of course, be the primary objective along with prior experience, financial stability of the vendor and close proximity of the vendor for service related issues.

If you have any questions or need additional information, please contact me via e-mail at [adele\\_huntzinger@cvsd.k12.pa.us](mailto:adele_huntzinger@cvsd.k12.pa.us) or by phone at 717-397-2421 ext. 1010. Again, the District will take the necessary measures to comply with all e-rate requirements.

Thank you.



Adele Huntzinger  
Asst. Director of Business Services