



# STRATEGIC MANAGEMENT SOLUTIONS

611-G Park Meadow Rd. Westerville, OH 43081-2875  
Phone 614.882.0596 • Fax 614.882.2556

Received & Inspected  
NOV 03 2011  
FCC Mail Room

November 1, 2011

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

Re: Request for Review  
CC Docket No. 02-6  
CC Docket No. 96-45

**Contact information:**

**Jackie Spencer**  
**Strategic Management Solutions**  
**611-G Park Meadow Rd.**  
**Westerville, OH 43081-2875**  
**Telephone Number: 614.882.0596**  
**Fax Number: 614.882.2556**  
**E-mail Address: jas@smserate.com**

<b>Appellant/Applicant Name:</b>	<b>Southern Local School District</b>
<b>Billed Entity Name:</b>	<b>Southern Local School District</b>
<b>Billed Entity Number:</b>	<b>130087</b>
<b>471 Application Number:</b>	<b>779396</b>
<b>Funding Request Number:</b>	<b>2188556</b>

To Whom It May Concern:

This letter is a Request for Review and an appeal of the Administrator's Decision on Appeal – Funding Year 2011-2012 from USAC Schools & Libraries Division (copy enclosed). The Administrator's Decision letter combines and dismisses the Letters of Appeal which were submitted individually for each of the three Funding Requests listed on their letter because we believed we were required to submit the letters individually. This Request for Review is only for the Letter of Appeal we submitted for the above Funding Request Number (FRN) 2188556.

No. of Copies rec'd 0  
List ABCDE

Southern Local School District (BEN 130087)  
Request for Review  
Federal Communications Commission  
Page 2 of 2

The Administrator's Decision stated that our appeal was postmarked more than 60 days after the date our Funding Commitment Decision Letter was issued. We are disputing that fact for the Letter of Appeal for FRN 2188556 which was submitted via email. According to the USAC-SLD "Appeals Procedure" (copy enclosed) an appeal is considered "postmarked" on a business day if it is sent from the sender's computer at any time up to 12:00 a.m. (midnight) in the sender's local time zone.

The cover email for the appeal submission (copy enclosed) for FRN 2188556 shows the appeal was sent "Tuesday, August 23, 2011 12:00 AM", which would be the deadline for submission according to the "Appeals Procedure." If the postmark deadline is actually 11:59 PM, then we believe the "Appeals Procedure" should state that 11:59 PM is the deadline, as is stated for other deadlines, for example in "Step 7: Form 471 Filing Information" (copy enclosed).

The time stamps for the emails containing the Letter of Appeal for FRN 2188565 and the Letter of Appeal for FRN 2188573 are "Tuesday, August 23, 2011 12:02 AM" and "Tuesday, August 23, 2011 12:03 AM", respectively. We do not dispute the decisions for these Funding Requests.

We have enclosed the above items as noted, as well as our original Letter of Appeal for FRN 2188556 and the associated attachments to the cover email for that appeal submission.

We appreciate your time and look forward to your decision on our request for review.

Respectfully,



Jackie Spencer  
E-Rate Consultant for Southern Local School District

Enclosures

Received & Inspected

NOV 03 2011

FCC Mail Room



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2011-2012**

September 02, 2011

Jackie Spencer  
Strategic Management Solutions  
611-G Park Meadow Rd.  
Westerville, OH 43081-2875

Re: Applicant Name: SOUTHERN LOCAL SCHOOL DISTRICT  
Billed Entity Number: 130087  
Form 471 Application Number: 779396  
Funding Request Number(s): 2188556, 2188565, 2188573  
Decision Letter Date: June 23, 2011  
Date Appeal Postmarked: August 23, 2011  
Your Correspondence Dated: August 22, 2011

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Edward Baker



## Appeals Procedure

---

USAC recognizes that some Schools and Libraries Program (Program) participants will disagree with its decisions regarding Schools and Libraries funding commitments and disbursements. As is the case with any administrative decision made by USAC, affected parties to decisions made by USAC on billing, collection, or disbursement matters can seek an appeal of those decisions from USAC or directly with the Federal Communications Commission (FCC). The procedures for filing an appeal with USAC or the FCC are outlined below.

You may file an appeal with USAC or directly with the FCC.

Any appeal must be **filed within 60 days** of the issuance of the decision from USAC and must be **postmarked** within 60 days of that date. Pursuant to FCC rules, failure to meet this requirement will result in automatic dismissal of the appeal. See Sections 54.719 to 54.725 of the FCC's rules for the details associated with filing an appeal.

**Waiver Requests.** A waiver is a request to waive an FCC policy, rule, or deadline such as the Form 471 application filing window deadline. For example, if you missed the filing deadline for Form 471 because of extenuating circumstances, USAC cannot waive the deadline but you can ask the FCC to waive the rules in your case by filing a waiver request with the FCC. To file a waiver request, follow the instructions for Option B below. Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning.

### There are two appeal options:

- A. Write a Letter of Appeal to USAC explaining why you disagree with its decision and what outcome you request, **OR**;
- B. Write an appeal directly to the Federal Communications Commission (FCC) explaining why you disagree with USAC's decision and what outcome you request.

### OPTION A - FILE AN APPEAL WITH USAC

Please follow these guidelines when submitting a **Letter of Appeal to USAC**:

1. Write and mail your letter to:

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

Appeals may also be submitted electronically, either by email or fax.

Appeals submitted by email must be sent to appeals using your organization's email account. Appeals submitted by email will be considered "postmarked" on a business day if they are sent from the sender's computer at any time up to 12:00 a.m. (midnight) in the sender's local time zone. Appeals submitted after that time will be considered "postmarked" on the next business day.

Documents submitted by email can be in any widely used word processing format, such as Adobe Portable Document Format (PDF), Microsoft Word, or WordPerfect. USAC will automatically reply to incoming emails to confirm receipt. You are advised to keep a copy of this email confirmation for your records. This email address can only be used for appeals.

**Jackie Spencer**

---

**From:** Jackie Spencer [JAS@smserate.com]  
**Sent:** Tuesday, August 23, 2011 12:00 AM  
**To:** 'appeals@sl.universalservice.org'  
**Subject:** Letter of Appeal for FY2011 471 Application 779396, FRN 2188556, Southern Local School District  
**Attachments:** Letter of Appeal for FY2011 SOUTHERN LSD 471 Appl 779396 FRN 2188556.pdf; RE: ERate App# 779396 (Southern LSD); PIA FY2011 Request for Add Doc - Southern LSD.doc; PIA Doc FY2011 SEOVEC cntrct - Southern.pdf  
**Importance:** High

Please find attached our Letter of Appeal for Southern Local School District.

In addition, the two emails referred to in the Letter of Appeal are attached.

\*\*\*\*\*  
Jackie Spencer, E-Rate Consultant  
Strategic Management Solutions (SMS)  
611-G Park Meadow Rd.  
Westerville, OH 43081-2875  
(P) 614-882-0596  
(F) 614-882-2556  
[JAS@smserate.com](mailto:JAS@smserate.com)  
\*\*\*\*\*



## Step 7: Form 471 Filing Information

---

Applicants submit the *Services Ordered and Certification Form* (Form 471) to request Schools and Libraries support.

Form 471 - [Services Ordered and Certification Form](#)

**Purpose of Form:** Form 471 requests discounts on eligible services to be provided to eligible schools, libraries, and consortia.

**When to File Form 471:** Form 471 cannot be filed before the Allowable Vendor Selection/Contract Date, which is 28 days after the Form 470 is POSTED to the USAC website. This date is provided on the [Form 470 Receipt Notification Letter](#).

Form 471 can be filed as early as the date established by the Federal Communications Commission as the opening of the Form 471 application filing window. Form 471 must be postmarked or received by 11:59 p.m. EST on the closing date of the Form 471 application filing window to be considered as having arrived within the window.

**USAC Letter:** USAC will issue a [Form 471 Receipt Acknowledgment Letter](#) to both the applicant and the service provider (s) upon successful data entry of the Form 471 and the Form 471 Block 6 certification.

Step 6 Determine Your Eligible Services

Step 8 Undergo Application Review

Last modified on 4/4/2011

© 1997-2011, Universal Service Administrative Company, All Rights Reserved.

[Home](#) | [Privacy Policy](#) | [Sitemap](#) | [Website Feedback](#) | [Website Tour](#) | [Contact Us](#)

August 22, 2011

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

**Contact information:**

**Jackie Spencer**  
**Strategic Management Solutions**  
**611-G Park Meadow Rd.**  
**Westerville, OH 43081-2875**  
**Telephone Number: 614.882.0596**  
**Fax Number: 614.882.2556**  
**E-mail Address: jas@smserate.com**

<b>Appellant:</b>	<b>Southern Local School District</b>
<b>Applicant name:</b>	<b>Southern Local School District</b>
<b>Applicant BEN:</b>	<b>130087</b>
<b>SPIN:</b>	<b>143022774</b>
<b>471 Application Number:</b>	<b>779396</b>
<b>Funding Request Number:</b>	<b>2188556</b>

Dear Administrator:

This letter is an appeal of the "Funding Commitment Decision Letter for Funding Year 2011" received by the applicant above for Funding Request 2188556.

We are appealing specifically the Funding Commitment Decision Explanation that "the amount of the funding request was changed from \$1,932.78/mo to \$1,836.14/mo to remove: Ineligible Pre-K portion of the funding request."

The basis of our appeal is the following: our PIA Reviewer, SarahAnn James, sent a letter requesting answers to five questions related to our indication on the Block 4 of our 471 form that we have Pre-K students enrolled at the elementary building in our district. We believe that Ms. James misunderstood the responses to these questions because of the way we answered those questions.

The cost allocation of 5% for the Pre-K student count (41 Pre-K students out of total district enrollment of 749 students) had already been applied to reduce the original Block 5 Pre-discount cost per month in the original submission of our 471 form. We thought by indicating that there were zero Pre-K students included in the Block 4

Southern Local School District  
Letter of Appeal  
Schools and Libraries Division  
Page 2 of 2

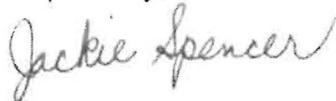
enrollment numbers and zero Pre-K students included in the free and reduced count in Block 4 (which both statements are true), we were indicating that we had already applied the cost allocation (i.e., 5% reduction) in the Block 5 as submitted.

I have attached to the cover email for this Letter of Appeal the email I sent to Ms. James and a copy of the attachment to that email which shows our responses to the Pre-K questions. In addition, I've attached a copy of the contract pricing information listing the full cost for the district for this funding request (i.e., the cost before the 5% reduction for 41 Pre-K students).

We are requesting that this decision be re-considered based on all of the attached documentation.

We appreciate your time and look forward to your decision on our appeal.

Respectfully,

A handwritten signature in cursive script that reads "Jackie Spencer".

Jackie Spencer  
E-Rate Consultant for Southern Local School District

Attachments

**Jackie Spencer**

---

**From:** Jackie Spencer [JAS@smserate.com]  
**Sent:** Wednesday, June 08, 2011 1:23 AM  
**To:** SarahAnn James (sjames@sl.universalservice.org)  
**Subject:** RE: ERate App# 779396 (Southern LSD)  
**Attachments:** PIA FY2011 Request for Add Doc - Southern LSD.doc

**Importance:** High

SarahAnn,

Please find our responses to your request for additional supporting documentation in red on the attached letter.

Let me know if you need any additional information for the above application.

Jackie

\*\*\*\*\*  
Jackie Spencer  
E-Rate Consultant for Southern Local School District  
(P) 614-882-0596  
(F) 614-882-2556  
[JAS@smserate.com](mailto:JAS@smserate.com)  
\*\*\*\*\*

**From:** James, SarahAnn [mailto:SJAMES@sl.universalservice.org]  
**Sent:** Friday, June 03, 2011 7:10 AM  
**To:** Jackie Spencer@1-614-8822556  
**Cc:** JAS@smserate.com  
**Subject:** ERate App# 779396

Dear Jackie Spencer,

I am currently reviewing your funding year 2011 e-Rate application for **779396**. Additional documentation is required to complete the review of your application.

Please see the attached letter and if you have any questions, please feel free to contact me.

Sincerely,

SarahAnn E. James  
PIA Reviewer  
Program Integrity Assurance  
USAC, School and Libraries Division  
Phone# 973-581-5029  
Fax# 973-599-6579  
E-Mail: [sjames@sl.universalservice.org](mailto:sjames@sl.universalservice.org)

**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.

Jun 03, 2011

Jackie Spencer  
SOUTHERN LOCAL SCHOOL DISTRICT  
Telephone: (614) 8820596  
Application Number 779396

**Response Due Date: June 18, 2011.**

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2011 Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2011 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

Based upon our review of your FY 2011 Form 471 application **779396**, we have determined that the entity(ies) listed below are included in your request for services and appear to be Pre-K facilities.

The entity(ies) are: **SOUTHERN ELEMENTARY.**

In your state, Pre-K students and separate Pre-K facilities are not eligible for funding. Any E-Rate services for Pre-K students, whether in a separate facility, or when part of (a component of) the population of a regular elementary or secondary school, are ineligible.

In order to assist us in completing the review of your application, please respond to the following questions:

1. Does the facility include a Pre-K students? **Yes**
2. Is the Pre-K facility(ies) a separate facility(ies), or part of an elementary or secondary school? **Part of an elementary school**
3. Please provide the Pre-K enrollment (student count) that is included in Block 4 of this Form 471. **0**
4. Please provide the Pre-K students eligible (student count) for free and reduced lunches that are included in Block 4 of this Form 471. **0**
5. Please provide a dollar cost allocation or percentage of total cost for the E-Rate services being provided to Pre-K students for each FRN. **5% reduction (41 Pre-K students out of total enrollment of 749 students) in the Pre-discount monthly amount for FRN 2188556, FRN 2188565, and FRN 2188573.**

Failure to respond to the above questions or provide the required supporting documentation will result in a cost allocation of Pre-K services for each FRN and possible denial of your funding requests.

Please be advised that the removal of Pre-K students from Block 4 of your Form 471 may increase or decrease your discount percentage, which could impact your funding.

Your response must be on appropriate school letterhead and be signed and dated by a chief school official (e.g., Principal, Superintendent). If responding via email, please provide the name and title of the chief school official providing the response.

For further information regarding Pre-K facilities, please refer to the USAC website at: <http://www.usac.org/sl/applicants/step01/non-traditional-K-12/>.

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 or denial 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.

SarahAnn E. James  
PIA Reviewer  
Program Integrity Assurance  
USAC, School and Libraries Division  
Phone# 973-581-5029  
Fax# 973-599-6579  
E-Mail: [sjames@sl.universalservice.org](mailto:sjames@sl.universalservice.org)

**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.

EXHIBIT B

Proposed Charges, Fiscal Year 2012 Agreement SM-2011/12

Charges for services as contained in this Exhibit apply to Fiscal Year 2012 (July 1, 2011 through June 30, 2012). Charges for succeeding years within the term of the Agreement are determined on an annual basis and are limited by the terms and conditions within the Agreement.

For each location served, regardless of the number of physical structures or logical "buildings" as defined by the Ohio Department of Education, COG-SEOVEC will charge an annual Service Fee. The Service Fee is determined by the bandwidth provided to the location: locations provided up to 2 megabits of bandwidth are classified as Tier 1 service; locations provided over 2 megabits of bandwidth are classified as Tier 2 service. In addition to the Service Fee, COG-SEOVEC will charge a separate Transport Fee for the costs associated with connecting the service location to the COG-SEOVEC Center.

Tier 1 service is provided for an annual fee of \$5,059.00; Tier 2 service is provided for an annual fee of \$6,414.00.

The Transport Fee is based on the actual costs associated with providing the connection between the service location and the COG-SEOVEC Center. This connection may be provided by a telecommunication provider, cable company, private vendor or through other means; no specific technology or platform is implied in this Proposal.

A summary of the proposed costs is outlined below. The Transport Fee quoted is for the bandwidth as outlined in the Form 470 posting (or associated RFP); options for additional bandwidth are noted following the summary.

Location	Service Fee	Bandwidth	Transport Fee	Total Location Cost
HS/Elementary Campus	6,414.00	10 mb	18,000.00 **	24,414.00
Total Annual Cost:	6,414.00		18,000.00 **	24,414.00

\*\* Includes NEB service cost

The above costs assume a full year of service and include all charges for installation and maintenance of service. Modifications to proposed locations and/or service levels may incur additional charges and will be pro-rated over the service period.

In addition, service can be extended to the following locations at the district at the quoted rates:

Location	Service Fee	Bandwidth	Transport Fee	Total Location Cost
Athletic Facility	5,059.00	2.0 mb *	2,000.00	7,059.00
Mobile Classroom	5,059.00	2.0 mb *	2,000.00	7,059.00

\* These connections would share Internet access bandwidth with the HS/Elementary complex

(Continued on next page)

Exhibit B  
Agreement SM-2011/12  
Page 2

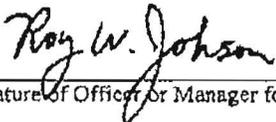
Optional services available at additional cost when purchased with Internet Access Service:

Location	Content (1)	NAC (2)	Protocol (3)	NEB (4)
HS/Elementary Campus	Yes	Yes		Yes
Athletic Facility				
Mobile Classroom				

1. Content Filtering: Indicate 'Yes' or 'No' if filtering is elected for each location; cost is \$300.00 per location
2. NAC: Indicate 'Yes' or 'No' if Network Access Control is elected for each location; cost is \$425.00 per location for the service, but requires an additional purchase of on-site hardware for full implementation (separate quote provided upon request)
3. Protocol: Indicate 'Yes' or 'No' if protocol monitoring and priority allocation is elected for each location; cost is \$500.00 per location
4. NEB: Indicate 'Yes' or 'No' if Non-guaranteed Extended Bandwidth is elected for each location; cost is \$200.00 per month per location

\_\_\_\_\_ On-site LAN diagnostic services are available at a cost of \$250.00 for 10 hours. Indicate here the number of blocks of pre-purchased service time that are to be included with this Agreement for the current year.

Signatures below are evidence the Customer agrees to continue services under the terms and conditions of the original, multi-year contract and accepts the fees for the fiscal period as noted herein.

  
\_\_\_\_\_  
Signature of Officer or Manager for the Customer

1/28/2011  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Officer or Manager for the Provider

1/28/2011  
\_\_\_\_\_  
Date