

CC Docket 02-6

Letter of Appeal

September 4, 2012

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

To Whom It May Concern:

We are filing an appeal on behalf of the Tempe Elementary School District for Funding Year 2010. We're appealing the Administrator's Decision of an Appeal to a Service Substitution Decision.

Billed Entity:	Tempe Elementary School District
Billed Entity Number (BEN):	142962
Form 471 Application Number:	750632
FRN:	2027596
Decision Date:	12/20/2011
Appeal Decision Date:	7/12/2012

Reason for Denial: The appeal was postmarked more than 60 days after the date your Administrator's Decision on Service Substitution Request was issued. Federal Communications Commission rules require applications 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 to consider the appeal.

Basis of Appeal: We contend that the appeal was submitted within the 60-day window, but that technical issues with USAC's email submittal system caused the delays. Our contention is that we wouldn't have inquired about the status of an appeal, if we didn't believe it was filed properly. Below is the timeline of events and we've attached the supporting documentation.

05/13/2011 – Service Substitution Filed (Case #22-292547)

05/15/2011 – Corrected Service Substitution Filed (Case #22-292547). School district asked for a slight change in the parts list. This submission was apparently discarded and not processed.

12/20/2011 – Decision on Service Substitution. Approval of original filing, not corrected filing

01/18/2012 – Appeal of Service Substitution Decision submitted via email, asking that second service substitution be taken into account. No auto-response was received from USAC. Because this was submitted directly to email address, and not through online system, the lack of auto-response was not thought to be unusual.

02/26/2012 – Submitted question asking for status on appeal that was submitted on 1/18 (Case #22-331316). No response from USAC

05/09/2012 – Submitted question, again asking for status on appeal (Case # 22-370254)

05/10/2012 – USAC response, “We show no record of an appeal for this issue.” Documentation supporting appeal sent to Schools and Libraries Division.

07/12/2012 – Administrator’s Decision on Appeal

Corrective Measure: The Tempe Elementary School District respectfully requests that the Service Substitution submitted on 5/15/2012 be accepted and approved in place of the document submitted on 5/13/2012. This would change the revised commitment from \$242,347.20 to \$256,370.96.

Supporting Documentation: Email submission of Service Substitution and attached To/From List
Email submission of corrected Service Substitution and attached To/From List
Decision on Service Substitution Request
Email and attached Letter of Appeal of Decision on Service Substitution Request
Case #22-331316
Case #22-370254
Email thread showing USAC response and correspondence
Administrator’s Decision on Appeal
Letter of Agency – Nicely Done Consulting

Thank you,



Ernest Nicely, Jr.

Project Manager
Nicely Done Consulting, LLC
ej@nicelydoneconsulting.com
623-780-5737 x513



Nicely, Ernest <ej@nicelydoneconsulting.com>

SLD Inquiry #: 22-292547 Received

3 messages

sldcaseattachments@sl.universalservice.org
<sldcaseattachments@sl.universalservice.org>
To: ej@nicelydoneconsulting.com

Sun, Nov 13, 2011 at 11:21
PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-292547.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at [1-888-203-8100](tel:1-888-203-8100). Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

[FirstName]=Ernest [LastName]=Nicely [JobTitle]=Project Manager [EmailAddress]=ej@nicelydoneconsulting.com [WorkPhone]=6237805737513 [FaxPhone]=[6026353442](tel:6026353442) [PreviousCaseNumber]=0 [FormType]=Service Sub [Owner]=SERVICESUB [DateSubmitted]=11/14/2011 1:19:36 AM [AttachmentFlag]=Y [BenOrSpinNumber]=142962 [ApplicationNumber]=750632 [FRN]=2027596 [OriginalEquipment]=Please see attachment for details [SubstitutedEquipment]=Please see attachment for details [Certification]=Please see attachment [Question2]=Please see attachment for details

EJ Nicely <ej@nicelydoneconsulting.com>
To: sldcaseattachments@sl.universalservice.org

Sun, Nov 13, 2011 at 11:51 PM

Please accept the attached document in support of this service substitution request. Also attached is our Letter of Agency for the 2010 Funding Year.

Thank you,

ernie

--

Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737 x513](tel:623-780-5737)
[623-203-3063](tel:623-203-3063) (mobile)
[602-635-3442](tel:602-635-3442) (fax)
ej@nicelydoneconsulting.com

[Quoted text hidden]

2 attachments

 **TESD_LOA_10-11.pdf**
1448K

 **TESD_FRN 2027596 Service Substitutions_NIC.pdf**
246K

EJ Nicely <ej@nicelydoneconsulting.com>

Tue, Nov 15, 2011 at 11:04 AM

To: sldcaseattachments@sl.universalservice.org

I apologize. The applicant decided to make a slight change after we first submitted the detail of this service substitution.

Please accept the attached document in place of the one sent on 11/13/11. This service substitution supersedes the previous submission.

Also attached is our letter of agency for the 2010 funding year.

Thank you,
ernie

--

Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737 x513](tel:623-780-5737)
[623-203-3063](tel:623-203-3063) (mobile)
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On Sun, Nov 13, 2011 at 11:21 PM, <sldcaseattachments@sl.universalservice.org> wrote:

[Quoted text hidden]

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 **TESD_FRN 2027596 Service Substitutions_NIC_v2.pdf**
244K

November 13, 2011

Service Substitutions
Schools and Libraries Division – Correspondence Unit
100 S. Jefferson Rd.
P.O. Box 902
Whippany, NJ 07981

To Whom It May Concern:

TEMPE SCHOOL DISTRICT 3 (142962) is submitting s Service Substitution in accordance with SLD guidelines for FRN 2027596. Since this application was submitted, the submission has changed due to SPIN change, product and design changes and district needs. The equipment and engineering / implementation services in the service substitution meets SLD eligibility guidelines and TEMPE SD certifies that the requested changes are in accordance with the original application for equipment and functionality.

1. TEMPE SCHOOL DISTRICT 3 (142962)
2. BEN: 142962
3. Form 471 Number: 750632
4. Funding Request Number (FRN): 2027596
5. Ernest Nicely, Jr.
6. Project Manager
7. 3820 W. Happy Valley Road
Suite 141,#497
Glendale, Az 85310
8. 623-780-5737,ext.513
9. ej@nicelydoneconsulting.com

From and To list outlined below:

FROM FRN: 2027596

Part #	Description	Functionality	Qty	Price	Ext. Price
Wireless LAN					
AIR-CT5508-50-K9	5508 SERIES CONTROLLER FOR UP TO 50 APS	Data Connectivity	1	\$13,497.00	\$13,497.00
AIR-CAP3502I-A-K9	802.11A/G/N CTRLR-BASED AP W/CLEANAIR INT ANT A REG DOMAIN	Data Connectivity	45	\$779.40	\$35,073.00
GLC-SX-MM=	GE SFP LC CONN SX TRANSCEIVER B	Data Connectivity	2	\$300.00	\$600.00
CAB-SFP-50CM=	CATALYST 3560 SFP INTERCONNECT CABLE 50CM SPARE	Data Connectivity	1	\$777.00	\$777.00
Call Manager Express - VoIP					
SW-CCME-UL-7945	COMMUNICATIONS MANAGER EXPRESS LICENSE FOR ONE 794x	Data Connectivity	75	\$120.00	\$9,000.00
SW-CCME-UL-7965=	COMMUNICATIONS MANAGER EXPRESS LICENSE FOR ONE 796x	Data Connectivity	5	\$120.00	\$600.00
C2921-CME-SRST/K9	2921 VOICE BUNDLE W/ PVD3-32 FL-CME-SRST-25 UC LICENSE PAK	Data Connectivity	1	\$2,997.00	\$2,997.00
L-FL-CME-SRST-5=	CME OR SRST 5 SEAT E-DELIVERY RTU	Data Connectivity	15	\$90.00	\$1,350.00
ISM-SRE-300-K9=	INTERNAL SERVICES MODULE W/ SERVICES READY ENGINE	Data Connectivity	1	\$600.00	\$600.00
PVD3-32	32-CHANNEL HIGH-DENSITY VOICE & VIDEO DSP MODULE	Data Connectivity	1	\$960.00	\$960.00
VIC3-4FXS/DID	4PORT VOICE INTERFACE CARD FXS AND DID	Data Connectivity	1	\$480.00	\$480.00
FL-CUE-MBX-5=	UNITY EXPRESS PAPER PAK 5 MAILBOX CUCM & CUCME	Data Connectivity	20	\$60.00	\$1,200.00
FL-CUE-PORT-2=	UNITY EXPRESS PAPER PAK 2PORT	Data Connectivity	1	\$300.00	\$300.00
VIC2-4FXO	CISCO 4PT VOICE I/F CARD FXO UNIV	Data Connectivity	3	\$480.00	\$1,440.00
CAB-CONSOLE-USB=	CONSOLE CABLE 6FT WITH USB TYPE A & MINI-B	Data Connectivity	1	\$18.00	\$18.00
L-SL-29-SEC-K9=	SECURITY E-DELIVERY PAK FOR CISCO 2901-2951	Data Connectivity	1	\$1,116.00	\$1,116.00
Switching - IDF					
WS-C3750X-48PFS	CATALYST 3750X 48PORT FULL POE IP BASE	Data Connectivity	10	\$9,100.00	\$91,000.00
WS-C3750X-24P-S	CATALYST 3750X 24PORT POE IP BASE	Data Connectivity	2	\$4,745.00	\$9,490.00
C3KX-NM-10G=	CATALYST 3K-X 10G NETWORK MODULE	Data Connectivity	12	\$1,625.00	\$19,500.00
CAB-SPWR-150CM=	CATALYST 3750X STACK POWER CABLE 150 CM SPARE	Data Connectivity	3	\$105.30	\$315.90
CAB-STACK-3M=	3M STACKWISE STACKING CABLE - SPARE	Data	9	\$162.00	\$1,458.00

Part #	Description	Functionality	Qty	Price	Ext. Price
		Connectivity			
GLC-SX-MM=	GE SFP, LC CONNECTOR SX TRANSCEIVER	Data Connectivity	14	\$300.00	\$4,200.00
Switching / Routing - MDF					
C3KX-NM-10G	CATALYST 3K-X 10G NETWORK MODULE OPTION PID	Data Connectivity	4	\$1,625.00	\$6,500.00
CAB-STACK-3M=	3M STACKWISE STACKING CABLE - SPARE	Data Connectivity	2	\$162.00	\$324.00
GLC-SX-MM=	GE SFP, LC CONNECTOR SX TRANSCEIVER	Data Connectivity	12	\$300.00	\$3,600.00
CAB-SPWR-150CM=	CATALYST 3750X STACK POWER CABLE 150 CM SPARE	Data Connectivity	1	\$105.30	\$105.30
WS-C3750X-24P-S	CATALYST 3750X 24PORT POE IP BASE	Data Connectivity	4	\$4,745.00	\$18,980.00
Patch Cables					
PCX6B03	P-CORD CAT6 NX6 BOOTED BL 3'	Data Connectivity	425	\$7.38	\$3,136.50
PCX6B06	P-CORD CAT6 NX6 BOOTED BL 6'	Data Connectivity	175	\$8.28	\$1,449.00
PCX6B16	P-CORD CAT6 NX6 BOOTED BL 16'	Data Connectivity	600	\$11.32	\$6,792.00
DFPCLSCC1MM	FIBER P-CORD MM LC-SC DUP 1M	Data Connectivity	20	\$72.65	\$1,453.00
UPS and Cabinet Equipment					
SUA1500RMUS	APC SMART UPS 1500VA USB & SERIAL RM 2U 120V NAFTA	Data Connectivity	1	\$696.15	\$696.15
SUA2200RM2U	SMART-UPS 2200VA RM 2U 120V LINE- INT 5-20P 8OUT	Data Connectivity	5	\$913.75	\$4,568.75
SUA3000RM2U	SMART-UPS 3000VA RM 2U 120V LINE- INT L5-30P 8OUT	Data Connectivity	2	\$1,083.75	\$2,167.50
H1E80E	CABINET SERVER 80""HX42""D M6 BK	Data Connectivity	5	\$2,940.52	\$14,702.60
CKM6	CAB ACCESS M6 HARDWARE 100/PK	Data Connectivity	6	\$140.22	\$841.32
HLWRK	CABLEMGT LAD-RCK WALL TO RACK MT KT	Data Connectivity	6	\$117.26	\$703.56
Professional Services					
LAB-NET-09R004	Network Tech - Basic Configuration	Data Connectivity	220	\$85.00	\$18,700.00
LAB-ENG-09R011	Project Engineering	Data Connectivity	6	\$2,000.00	\$12,000.00
LAB-ENG-09R004	Project Documentation - Miscellaneous	Data Connectivity	8	\$75.00	\$600.00
MOB-09R-AZMAR	Mobilization AZ Maricopa County	Data Connectivity	0	\$213.90	\$0.00

Part #	Description	Functionality	Qty	Price	Ext. Price
		Product			\$261,991.58
		Services			\$31,300.00
		Sub Total			\$293,291.58
		Tax			\$23,055.26
		Total			\$316,346.84

TO FRN: 2027596

Mfgr#	Part #	Description	Qty	Price	Ext Price
APC	SMT1500RM2U	APC Smart-UPS 1500VA LCD RM 2U 120V	2	\$665.10	\$1,330.20
APC	SMT3000RM2U	APC Smart-UPS 3000VA LCD RM 2U 120V	7	\$1,192.50	\$8,347.50
CISCO	AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket (Default)	45	\$0.00	\$0.00
CISCO	AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed Mount (Default)	45	\$0.00	\$0.00
CISCO	AIR-CAP3502I-A-K9	802.11a/g/n Ctrlr-based AP w/CleanAir; Int Ant; A Reg Domain	45	\$828.80	\$37,296.00
CISCO	AIR-CT5508-50-K9	5508 Series Controller for up to 50 APs	1	\$14,396.80	\$14,396.80
CISCO	AIR-PWR-CORD-NA	AIR Line Cord North American Spare	1	\$0.00	\$0.00
CISCO	C2921-CME-SRST/K9	2921 UC Bundle w/ PVD3-32,FL-CME-SRST-25, UC License PAK	1	\$3,196.80	\$3,196.80
CISCO	C3KX-NM-10G	Catalyst 3K-X 10G Network Module option PID	7	\$1,600.00	\$11,200.00
CISCO	C3KX-PWR-1100WAC	Catalyst 3K-X 1100W AC Power Supply	12	\$0.00	\$0.00
CISCO	C3KX-PWR-715WAC	Catalyst 3K-X 715W AC Power Supply	3	\$0.00	\$0.00
CISCO	CAB-3KX-AC	AC Power Cord for Catalyst 3K-X (North America)	15	\$0.00	\$0.00
CISCO	CAB-AC	AC Power Cord (North America), C13, NEMA 5-15P, 2.1m	1	\$0.00	\$0.00
CISCO	CAB-AC-ME	AC power cords for ME switches	1	\$0.00	\$0.00
CISCO	CAB-SPWR-150CM	Catalyst 3750X Stack Power Cable 150 CM - Upgrade	4	\$64.00	\$256.00
CISCO	CAB-SPWR-30CM	Catalyst 3750X Stack Power Cable 30 CM	11	\$0.00	\$0.00
CISCO	CAB-STACK-3M	Cisco StackWise 3M Stacking Cable	4	\$128.00	\$512.00
CISCO	CAB-STACK-50CM	Cisco StackWise 50CM Stacking Cable	11	\$0.00	\$0.00
CISCO	CUE-LANG-ENU	Cisco Unity Express - North American English	1	\$0.00	\$0.00
CISCO	FL-CME-SRST-25	Communication Manager Express or SRST - 25 seat license	3	\$352.00	\$1,056.00
CISCO	FL-CME-SRST-25	Communication Manager Express or SRST - 25 seat license	3	\$0.00	\$0.00
CISCO	FL-CUE-MBX-5	Unity Express License - 5 Mailbox - CUCM and CUCME	20	\$64.00	\$1,280.00
CISCO	FL-CUE-NR-PORT-2	Unity Express License - Non Re-hostable - 2 Port	1	\$0.00	\$0.00
CISCO	FL-CUE-PORT-2	Unity Express License - 2 Port	1	\$320.00	\$320.00
CISCO	FL-SRST	Cisco Survivable Remote Site Telephony License	1	\$0.00	\$0.00
CISCO	GLC-SX-MM	GE SFP, LC connector SX transceiver	2	\$320.00	\$640.00
CISCO	GLC-SX-MM=	GE SFP, LC connector SX transceiver	2	\$320.00	\$640.00
CISCO	ISM-SRE-300-K9	Services Ready Engine 300 (512MB MEM, 4GB Flash, 1C CPU)	1	\$640.00	\$640.00
CISCO	ISR-CCP-EXP	Cisco Config Pro Express on Router Flash	1	\$0.00	\$0.00
CISCO	LIC-CT5508-50	50 AP Base license	1	\$0.00	\$0.00
CISCO	LIC-CT5508-BASE	Base Software License	1	\$0.00	\$0.00
CISCO	ME-3400G-2CS-A	ME 3400 Series 2 Combo + 2 SFP AC	1	\$1,084.80	\$1,084.80

CONT. TO FRN: 2027596

Mfgr#	Part #	Description	Qty	Price	Ext Price
CISCO	MEM-2900-512MB-DEF	512MB DRAM for Cisco 2901-2921 ISR (Default)	1	\$0.00	\$0.00
CISCO	MEM-CF-256MB	256MB Compact Flash for Cisco 1900, 2900, 3900 ISR	1	\$0.00	\$0.00
CISCO	PVDM3-32U64	PVDM3 32-channel to 64-channel factory upgrade	1	\$960.00	\$960.00
CISCO	PWR-2921-51-AC	Cisco 2921/2951 AC Power Supply	1	\$0.00	\$0.00
CISCO	S29UK9-15201T	Cisco 2901-2921 IOS UNIVERSAL	1	\$0.00	\$0.00
CISCO	S340XIK9T-12255SE	Cisco ME 340X SERIES IOS METRO IP ACCESS TAR	1	\$1,916.80	\$1,916.80
CISCO	S375XVK9T-15001SE	CAT 3750X IOS UNIVERSAL WITH WEB BASE DEV MGR	15	\$0.00	\$0.00
CISCO	S3G1RK9W8-12423JA	Cisco 3500 Series IOS Wireless LAN Controller-based Recovery	45	\$0.00	\$0.00
CISCO	SCUE-ISM-8.6-K9	Cisco Unity Express Release 8.6	1	\$0.00	\$0.00
CISCO	SFP-10G-LRM=	10GBASE-LRM SFP Module	8	\$828.80	\$6,630.40
CISCO	SL-29-IPB-K9	IP Base License for Cisco 2901-2951	1	\$0.00	\$0.00
CISCO	SL-29-UC-K9	Unified Communication License for Cisco 2901-2951	1	\$0.00	\$0.00
CISCO	SWC5500K9-60	Cisco Unified Wireless Controller SW Release 6.0	1	\$0.00	\$0.00
CISCO	SW-CCME-UL-7945	Communications Manager Express License For One 7945G Phone	75	\$128.00	\$9,600.00
CISCO	SW-CCME-UL-7965=	Communications Manager Express License For One 7965G Phone	5	\$128.00	\$640.00
CISCO	VIC2-4FXO	Four-port Voice Interface Card - FXO (Universal)	3	\$512.00	\$1,536.00
CISCO	VIC3-4FXS/DID	Four-Port Voice Interface Card - FXS and DID	1	\$512.00	\$512.00
CISCO	WS-C3750X-24P-S	Catalyst 3750X 24 Port PoE IP Base	3	\$4,672.00	\$14,016.00
CISCO	WS-C3750X-48PF-S	Catalyst 3750X 48 Port Full PoE IP Base	12	\$8,960.00	\$107,520.00
EDU-SMARTNET	CON-SAU-ISRE300	SW APP SUPP + UPGR Internal Services Module (ISM) with SRE	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-2921CMST	SMARTNET 8X5XNBD 2921 Voice Bundle w/ UC License PAK	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3400G2A	SMARTNET 8X5XNBD ME 3400 Series 2 Com	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3750X2PS	SMARTNET 8X5XNBD Catalyst 3750X 24 PoE IP Base	3	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3750X4FS	SMARTNET 8X5XNBD Catalyst 3750X 48 Port Full PoE IP Base	12	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-CAP352IA	SMARTNET 8X5XNBD 802.11a/g/n Ctrlr-based AP w/CleanAir; l	45	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-CT0850	SMARTNET 8X5XNBD 5508 Series Controll	1	\$0.00	\$0.00
HD	MISCHDWE-1	Misc. Hardware Kit (Mounting Hardware)	5	\$90.00	\$450.00
Hubbell	DFPCLCLCC1MM	FIBER, P-CORD,MM,LC-LC,DUP,1M	4	\$102.00	\$408.00
Hubbell	DFPCLCSCE1MM	FIBER, P-CORD,MM,LC-SC,DUP,10GIG,1M	8	\$68.34	\$546.72
Hubbell	PCX6B03	P-CORD, CAT6,NX6,BOOTED,BL,3'	675	\$8.08	\$5,454.00
TRADE	TRADE-IN	Trade-In Credit	-1	\$16,863.25	(\$16,863.25)
				Material	\$232,386.02
				Trade-In	(\$16,863.25)
				Labor	\$32,140.00
				Tax	\$21,611.90
				Total	\$269,274.67

In submission of the Service Substitution, I certify the following:

- a) That the substituted products or services have the same functionality as that contained in the original proposal,
- b) That the substitution does not violate any contract provisions or state or local procurement laws,
- c) That the substitution does not result in an increase in the percentage of ineligible services or functions,
- d) That the requested change is consistent within the scope of the establishing controlling FCC Form 470, including and any Requests for Proposal for the original services.

If there are any questions or clarification needed, please contact me.

Sincerely,



Ernest Nicely, Jr.
Project Manager
3820 W. Happy Valley Road
Suite 141,#497
Glendale, Az 85310
623-780-5737,ext.513
ej@nicelydoneconsulting.com

November 15, 2011

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Schools and Libraries Division – Correspondence Unit
100 S. Jefferson Rd.
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VIC2-4FXO	CISCO 4PT VOICE I/F CARD FXO UNIV	Data Connectivity	3	\$480.00	\$1,440.00
CAB-CONSOLE-USB=	CONSOLE CABLE 6FT WITH USB TYPE A & MINI-B	Data Connectivity	1	\$18.00	\$18.00
L-SL-29-SEC-K9=	SECURITY E-DELIVERY PAK FOR CISCO 2901-2951	Data Connectivity	1	\$1,116.00	\$1,116.00
Switching - IDF					
WS-C3750X-48PFS	CATALYST 3750X 48PORT FULL POE IP BASE	Data Connectivity	10	\$9,100.00	\$91,000.00
WS-C3750X-24P-S	CATALYST 3750X 24PORT POE IP BASE	Data Connectivity	2	\$4,745.00	\$9,490.00
C3KX-NM-10G=	CATALYST 3K-X 10G NETWORK MODULE	Data Connectivity	12	\$1,625.00	\$19,500.00
CAB-SPWR-150CM=	CATALYST 3750X STACK POWER CABLE 150 CM SPARE	Data Connectivity	3	\$105.30	\$315.90
CAB-STACK-3M=	3M STACKWISE STACKING CABLE - SPARE	Data	9	\$162.00	\$1,458.00

Part #	Description	Functionality	Qty	Price	Ext. Price
		Connectivity			
GLC-SX-MM=	GE SFP, LC CONNECTOR SX TRANSCEIVER	Data Connectivity	14	\$300.00	\$4,200.00
Switching / Routing - MDF					
C3KX-NM-10G	CATALYST 3K-X 10G NETWORK MODULE OPTION PID	Data Connectivity	4	\$1,625.00	\$6,500.00
CAB-STACK-3M=	3M STACKWISE STACKING CABLE - SPARE	Data Connectivity	2	\$162.00	\$324.00
GLC-SX-MM=	GE SFP, LC CONNECTOR SX TRANSCEIVER	Data Connectivity	12	\$300.00	\$3,600.00
CAB-SPWR-150CM=	CATALYST 3750X STACK POWER CABLE 150 CM SPARE	Data Connectivity	1	\$105.30	\$105.30
WS-C3750X-24P-S	CATALYST 3750X 24PORT POE IP BASE	Data Connectivity	4	\$4,745.00	\$18,980.00
Patch Cables					
PCX6B03	P-CORD CAT6 NX6 BOOTED BL 3'	Data Connectivity	425	\$7.38	\$3,136.50
PCX6B06	P-CORD CAT6 NX6 BOOTED BL 6'	Data Connectivity	175	\$8.28	\$1,449.00
PCX6B16	P-CORD CAT6 NX6 BOOTED BL 16'	Data Connectivity	600	\$11.32	\$6,792.00
DFPCLSCC1MM	FIBER P-CORD MM LC-SC DUP 1M	Data Connectivity	20	\$72.65	\$1,453.00
UPS and Cabinet Equipment					
SUA1500RMUS	APC SMART UPS 1500VA USB & SERIAL RM 2U 120V NAFTA	Data Connectivity	1	\$696.15	\$696.15
SUA2200RM2U	SMART-UPS 2200VA RM 2U 120V LINE- INT 5-20P 8OUT	Data Connectivity	5	\$913.75	\$4,568.75
SUA3000RM2U	SMART-UPS 3000VA RM 2U 120V LINE- INT L5-30P 8OUT	Data Connectivity	2	\$1,083.75	\$2,167.50
H1E80E	CABINET SERVER 80""HX42""D M6 BK	Data Connectivity	5	\$2,940.52	\$14,702.60
CKM6	CAB ACCESS M6 HARDWARE 100/PK	Data Connectivity	6	\$140.22	\$841.32
HLWRK	CABLEMGT LAD-RCK WALL TO RACK MT KT	Data Connectivity	6	\$117.26	\$703.56
Professional Services					
LAB-NET-09R004	Network Tech - Basic Configuration	Data Connectivity	220	\$85.00	\$18,700.00
LAB-ENG-09R011	Project Engineering	Data Connectivity	6	\$2,000.00	\$12,000.00
LAB-ENG-09R004	Project Documentation - Miscellaneous	Data Connectivity	8	\$75.00	\$600.00
MOB-09R-AZMAR	Mobilization AZ Maricopa County	Data Connectivity	0	\$213.90	\$0.00

Part #	Description	Functionality	Qty	Price	Ext. Price
		Product			\$261,991.58
		Services			\$31,300.00
		Sub Total			\$293,291.58
		Tax			\$23,055.26
		Total			\$316,346.84

TO FRN: 2027596

Mfgr#	Part #	Description	Qty	Price	Ext Price
APC	SMT1500RM2U	APC Smart-UPS 1500VA LCD RM 2U 120V	2	\$665.10	\$1,330.20
APC	SMT3000RM2U	APC Smart-UPS 3000VA LCD RM 2U 120V	7	\$1,192.50	\$8,347.50
CISCO	AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket (Default)	45	\$0.00	\$0.00
CISCO	AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed Mount (Default)	45	\$0.00	\$0.00
CISCO	AIR-CAP3502I-A-K9	802.11a/g/n Ctrlr-based AP w/CleanAir; Int Ant; A Reg Domain	45	\$828.80	\$37,296.00
CISCO	AIR-CT5508-50-K9	5508 Series Controller for up to 50 APs	1	\$14,396.80	\$14,396.80
CISCO	AIR-PWR-CORD-NA	AIR Line Cord North American Spare	1	\$0.00	\$0.00
CISCO	C2921-CME-SRST/K9	2921 UC Bundle w/ PVD3-32,FL-CME-SRST-25, UC License PAK	1	\$3,196.80	\$3,196.80
CISCO	C3KX-NM-10G	Catalyst 3K-X 10G Network Module option PID	7	\$1,600.00	\$11,200.00
CISCO	C3KX-PWR-1100WAC	Catalyst 3K-X 1100W AC Power Supply	12	\$0.00	\$0.00
CISCO	C3KX-PWR-715WAC	Catalyst 3K-X 715W AC Power Supply	3	\$0.00	\$0.00
CISCO	CAB-3KX-AC	AC Power Cord for Catalyst 3K-X (North America)	15	\$0.00	\$0.00
CISCO	CAB-AC	AC Power Cord (North America), C13, NEMA 5-15P, 2.1m	1	\$0.00	\$0.00
CISCO	CAB-AC-ME	AC power cords for ME switches	1	\$0.00	\$0.00
CISCO	CAB-SPWR-150CM	Catalyst 3750X Stack Power Cable 150 CM - Upgrade	4	\$64.00	\$256.00
CISCO	CAB-SPWR-30CM	Catalyst 3750X Stack Power Cable 30 CM	11	\$0.00	\$0.00
CISCO	CAB-STACK-3M	Cisco StackWise 3M Stacking Cable	4	\$128.00	\$512.00
CISCO	CAB-STACK-50CM	Cisco StackWise 50CM Stacking Cable	11	\$0.00	\$0.00
CISCO	CUE-LANG-ENU	Cisco Unity Express - North American English	1	\$0.00	\$0.00
CISCO	FL-CME-SRST-25	Communication Manager Express or SRST - 25 seat license	3	\$352.00	\$1,056.00
CISCO	FL-CME-SRST-25	Communication Manager Express or SRST - 25 seat license	3	\$0.00	\$0.00
CISCO	FL-CUE-MBX-5	Unity Express License - 5 Mailbox - CUCM and CUCME	20	\$64.00	\$1,280.00
CISCO	FL-CUE-NR-PORT-2	Unity Express License - Non Re-hostable - 2 Port	1	\$0.00	\$0.00
CISCO	FL-CUE-PORT-2	Unity Express License - 2 Port	1	\$320.00	\$320.00
CISCO	FL-SRST	Cisco Survivable Remote Site Telephony License	1	\$0.00	\$0.00
CISCO	GLC-SX-MM	GE SFP, LC connector SX transceiver	2	\$320.00	\$640.00
CISCO	GLC-SX-MM=	GE SFP, LC connector SX transceiver	2	\$320.00	\$640.00
CISCO	ISM-SRE-300-K9	Services Ready Engine 300 (512MB MEM, 4GB Flash, 1C CPU)	1	\$640.00	\$640.00
CISCO	ISR-CCP-EXP	Cisco Config Pro Express on Router Flash	1	\$0.00	\$0.00
CISCO	LIC-CT5508-50	50 AP Base license	1	\$0.00	\$0.00
CISCO	LIC-CT5508-BASE	Base Software License	1	\$0.00	\$0.00
CISCO	ME-3400G-2CS-A	ME 3400 Series 2 Combo + 2 SFP AC	1	\$1,084.80	\$1,084.80

CONT. TO FRN: 2027596

Mfgr#	Part #	Description	Qty	Price	Ext Price
CISCO	MEM-2900-512MB-DEF	512MB DRAM for Cisco 2901-2921 ISR (Default)	1	\$0.00	\$0.00
CISCO	MEM-CF-256MB	256MB Compact Flash for Cisco 1900, 2900, 3900 ISR	1	\$0.00	\$0.00
CISCO	PVDM3-32U64	PVDM3 32-channel to 64-channel factory upgrade	1	\$960.00	\$960.00
CISCO	PWR-2921-51-AC	Cisco 2921/2951 AC Power Supply	1	\$0.00	\$0.00
CISCO	S29UK9-15201T	Cisco 2901-2921 IOS UNIVERSAL	1	\$0.00	\$0.00
CISCO	S340XIK9T-12255SE	Cisco ME 340X SERIES IOS METRO IP ACCESS TAR	1	\$1,916.80	\$1,916.80
CISCO	S375XVK9T-15001SE	CAT 3750X IOS UNIVERSAL WITH WEB BASE DEV MGR	15	\$0.00	\$0.00
CISCO	S3G1RK9W8-12423JA	Cisco 3500 Series IOS Wireless LAN Controller-based Recovery	45	\$0.00	\$0.00
CISCO	SCUE-ISM-8.6-K9	Cisco Unity Express Release 8.6	1	\$0.00	\$0.00
CISCO	SFP-10G-LRM=	10GBASE-LRM SFP Module	8	\$828.80	\$6,630.40
CISCO	SL-29-IPB-K9	IP Base License for Cisco 2901-2951	1	\$0.00	\$0.00
CISCO	SL-29-UC-K9	Unified Communication License for Cisco 2901-2951	1	\$0.00	\$0.00
CISCO	SWC5500K9-60	Cisco Unified Wireless Controller SW Release 6.0	1	\$0.00	\$0.00
CISCO	SW-CCME-UL-7945	Communications Manager Express License For One 7945G Phone	75	\$128.00	\$9,600.00
CISCO	SW-CCME-UL-7965=	Communications Manager Express License For One 7965G Phone	5	\$128.00	\$640.00
CISCO	VIC2-4FXO	Four-port Voice Interface Card - FXO (Universal)	3	\$512.00	\$1,536.00
CISCO	VIC3-4FXS/DID	Four-Port Voice Interface Card - FXS and DID	1	\$512.00	\$512.00
CISCO	WS-C3750X-24P-S	Catalyst 3750X 24 Port PoE IP Base	3	\$4,672.00	\$14,016.00
CISCO	WS-C3750X-48PF-S	Catalyst 3750X 48 Port Full PoE IP Base	12	\$8,960.00	\$107,520.00
EDU-SMARTNET	CON-SAU-ISRE300	SW APP SUPP + UPGR Internal Services Module (ISM) with SRE	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-2921CMST	SMARTNET 8X5XNBD 2921 Voice Bundle w/ UC License PAK	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3400G2A	SMARTNET 8X5XNBD ME 3400 Series 2 Com	1	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3750X2PS	SMARTNET 8X5XNBD Catalyst 3750X 24 PoE IP Base	3	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-3750X4FS	SMARTNET 8X5XNBD Catalyst 3750X 48 Port Full PoE IP Base	12	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-CAP352IA	SMARTNET 8X5XNBD 802.11a/g/n Ctrlr-based AP w/CleanAir; I	45	\$0.00	\$0.00
EDU-SMARTNET	CON-SNT-CT0850	SMARTNET 8X5XNBD 5508 Series Controll	1	\$0.00	\$0.00
HD	MISCHDWE-1	Misc. Hardware Kit (Mounting Hardware)	5	\$75.00	\$375.00
Hubbell	DFPCLCLCC1MM	FIBER, P-CORD,MM,LC-LC,DUP,1M	4	\$102.00	\$408.00
Hubbell	DFPCLCSCE1MM	FIBER, P-CORD,MM,LC-SC,DUP,10GIG,1M	8	\$68.34	\$546.72
Hubbell	PCX6B03	P-CORD, CAT6,NX6,BOOTED,BL,3'	675	\$8.08	\$5,454.00
				Material	\$232,311.02
				Labor	\$32,140.00
				Tax	\$20,405.60
				Total	\$284,856.62

In submission of the Service Substitution, I certify the following:

- a) That the substituted products or services have the same functionality as that contained in the original proposal,
- b) That the substitution does not violate any contract provisions or state or local procurement laws,
- c) That the substitution does not result in an increase in the percentage of ineligible services or functions,
- d) That the requested change is consistent within the scope of the establishing controlling FCC Form 470, including and any Requests for Proposal for the original services.

If there are any questions or clarification needed, please contact me.

Sincerely,



Ernest Nicely, Jr.
Project Manager
3820 W. Happy Valley Road
Suite 141,#497
Glendale, Az 85310
623-780-5737,ext.513
ej@nicelydoneconsulting.com

ADMINISTRATOR'S DECISION ON SERVICE SUBSTITUTION REQUEST

December 20, 2011

Ernie Nicely, Jr.
Nicely Done Consulting, LLP
3820 W. Happy Valley Road, Suite 141, #497
Glendale, AZ 85310

Form 471 Application Number: 750632 – Tempe School District 3

Dear Applicant:

This letter is your notification that the FCC Form 471, *Services Ordered and Certification Form* you submitted for **Minor Modifications** was received and approved. You are now authorized to make the changes identified in your submission.

This letter does NOT authorize any increase in funding of any Funding Request Numbers (FRNs) contained in your submission. If the changes represent a cost decrease from the original commitment amount for the Funding Request Numbers (FRNs) listed below, the Schools and Libraries Division (SLD) automatically adjusts the funding commitment for the affected FRNs. If applicable, the amount of the reduction and the revised funding commitment will be shown below for the affected FRNs.

Do NOT file FCC Form 500 to reflect any funding reduction from this service substitution request, as the funding reduction has already been taken.

Please keep this letter for your records. This is the only notification you will receive indicating the processing of the above-submitted form, and of a reduced funding commitment if a cost decrease is included.

The Funding Request Numbers (FRNs) listed below are the only changes to products or services authorized for this Minor Modification filing.

FRN: 2027596
Reduction: \$42,364.95
Revised Commitment: \$242,347.20

If you have any questions regarding the above information, please write to us at "Schools and Libraries Division - Correspondence Unit, 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685"

TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter, your appeal must be received by USAC 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 (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - application or form number as assigned by the USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
 - Name of letter and funding year – both are located at the top of the letter, and
 - the exact text or the decision that you are appealing.
3. 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 USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

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

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

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

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



Nicely, Ernest <ej@nicelydoneconsulting.com>

Appeal of Service Substitution Decision Letter - FRN 2027596

1 message

EJ Nicely <ej@nicelydoneconsulting.com>**Wed, Jan 18, 2012 at 12:25 PM**

To: appeals@sl.universalservice.org

Tempe Elementary School District is appealing the decision made on the Service Substitution Request for FRN 2027596. Please see the attached documents in support of this appeal.

Thank you,
emie

--

Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737](tel:623-780-5737) x513
[623-203-3063](tel:623-203-3063) (mobile)
[602-635-3442](tel:602-635-3442) (fax)
ej@nicelydoneconsulting.com

5 attachments

-  **TESD_FRN 2027596 Service Substitutions_NIC.pdf**
246K
-  **TESD_FRN 2027596 Service Substitutions_NIC_v2.pdf**
244K
-  **TESD_LOA_10-11.pdf**
1448K
-  **TESD_FRN 2027596 Service Substitution_Letter of Appeal.pdf**
110K
-  **Nicely Done Consulting Mail - SLD Inquiry #_ 22-292547 Received.pdf**
181K



January 18, 2012

Letters of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07054-0685

To Whom It May Concern:

TEMPE SCHOOL DISTRICT 3 (142962) is appealing the reduction (\$42,364.95) and revised commitment amount (\$242,347.20) indicated on the Administrator's Decision on Service Substitution Request, dated December 20, 2011.

This service substitution was requested under case number 22-292547 with the documentation sent via email on 11/13/2011. The District requested another change to the request so a subsequent document was sent via email on 11/15/2011. Unfortunately, this second submission of documentation was disregarded.

We ask that the revised commitment amount be changed to \$256,370.96 in accordance with the documentation submitted on 11/15/2011. This is still a reduction of more than \$28,000 from the original request.

1. TEMPE SCHOOL DISTRICT 3 (142962)
2. BEN: 142962
3. Service Provider: Network Infrastructure Corporation
4. SPIN: 143004779
5. Form 471 Number: 750632
6. Funding Request Number (FRN): 2027596
7. Administrator's Decision on Service Substitution Request
8. Funding Year 2010
9. Ernest Nicely, Jr.
Project Manager
3820 W. Happy Valley Road
Suite 141,#497
Glendale, Az 85310
623-780-5737,ext.513
ej@nicelydoneconsulting.com



Attachments included with this appeal are copies of the two service substitution documents filed, a letter of agency from the District allowing us to act on their behalf, and a copy of the email sent to the attachments mailbox.

If there are any questions or clarification needed, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernest Nicely, Jr.", written in a cursive style.

Ernest Nicely, Jr.
Project Manager
3820 W. Happy Valley Road
Suite 141,#497
Glendale, Az 85310
623-780-5737,ext.513
ej@nicelydoneconsulting.com



Nicely, Ernest <ej@nicelydoneconsulting.com>

SLD Inquiry #: 22-331316 Received

sldnoreply@sl.universalservice.org <sldnoreply@sl.universalservice.org>
To: ej@nicelydoneconsulting.com

Sun, Feb 26, 2012 at 1:42 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-331316.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at [1-888-203-8100](tel:1-888-203-8100). Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

[FirstName]=Ernest [LastName]=Nicely [JobTitle]=Project Manager [EmailAddress]=ej@nicelydoneconsulting.com [WorkPhone]=6237805737513 [FaxPhone]=6026353442 [PreviousCaseNumber]=0 [FormType]=Appeal [Owner]=TCSB [DateSubmitted]=2/26/2012 3:35:58 PM [AttachmentFlag]=N[FRN]=2027596 [FormType]=Other [ApplicationNumber]=750632 [Question2]=submitted appeal to service substitution decision letter on January 18th, 2012. Did not receive auto-reply and have not received a decision on the appeal. Please provide a status to the appeal or let me know if you need more information.



Nicely, Ernest <ej@nicelydoneconsulting.com>

SLD Inquiry #: 22-370254 Received

sldnoreply@sl.universalservice.org <sldnoreply@sl.universalservice.org>
To: ej@nicelydoneconsulting.com

Wed, May 9, 2012 at 10:05 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-370254.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at **1-888-203-8100**. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

[FirstName]=Ernest [LastName]=Nicely [JobTitle]=Project Manager [EmailAddress]=ej@nicelydoneconsulting.com [WorkPhone]=6237805737513 [FaxPhone]=6026353442 [PreviousCaseNumber]=0 [FormType]=Appeal [Owner]=TCSB [DateSubmitted]=5/10/2012 1:02:56 AM [AttachmentFlag]=N[FRN]=2027596 [FormType]=appeal [ApplicationNumber]=750632 [Question2]=submitted appeal to service substitution decision letter on January 18th, 2012. Did not receive auto-reply and have not received a decision on the appeal. Please provide a status to the appeal or let me know if you need more information. This is our 2nd request for status. 1st request was made on 2/26/12, case number 22-331316



Nicely, Ernest <ej@nicelydoneconsulting.com>

RE: Initial Contact, case# 22-370254

sldnoreply@sl.universalservice.org <sldnoreply@sl.universalservice.org>
To: ej@nicelydoneconsulting.com

Thu, May 10, 2012 at 8:37 AM

Thank you for your inquiry. We show no record of an appeal for this issue and Case# 22-331316 shows that a copy of the SSR letter was sent to you, not anything about any appeal.

If you have any further questions, feel free to contact our Schools and Libraries Helpline at [1-888-203-8100](tel:1-888-203-8100).
Please remember to visit our website for updates: www.usac.org/sl

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: ej@nicelydoneconsulting.com
Subject: Initial Contact

[FirstName]=Ernest
[LastName]=Nicely
[JobTitle]=Project Manager
[EmailAddress]=ej@nicelydoneconsulting.com
[WorkPhone]=6237805737513
[FaxPhone]=[6026353442](tel:6026353442)
[PreviousCaseNumber]=0

[FormType]=Appeal
[Owner]=TCSB
[DateSubmitted]=5/10/2012 1:02:56 AM
[AttachmentFlag]=N[FRN]=2027596
[FormType]=appeal
[ApplicationNumber]=750632
[Question2]=submitted appeal to service substitution decision letter on January 18th, 2012. Did not receive auto-reply and have not received a decision on the appeal. Please provide a status to the appeal or let me know if you need more information.

This is our 2nd request for status. 1st request was made on 2/26/12, case number 22-331316



Nicely, Ernest <ej@nicelydoneconsulting.com>

Case #22-370516, Attn: Anthony

6 messages

EJ Nicely <ej@nicelydoneconsulting.com>
To: sld-problem-resolution@vangent.com

Thu, May 10, 2012 at 9:01 AM

--
Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737 x513](tel:623-780-5737)
[623-203-3063](tel:623-203-3063) (mobile)
[602-635-3442](tel:602-635-3442) (fax)
ej@nicelydoneconsulting.com

----- Forwarded message -----

From: **EJ Nicely** <ej@nicelydoneconsulting.com>
Date: Wed, Jan 18, 2012 at 12:25 PM
Subject: Appeal of Service Substitution Decision Letter - FRN 2027596
To: appeals@sl.universalservice.org

Tempe Elementary School District is appealing the decision made on the Service Substitution Request for FRN 2027596. Please see the attached documents in support of this appeal.

Thank you,
ernie

--
Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737 x513](tel:623-780-5737)
[623-203-3063](tel:623-203-3063) (mobile)
[602-635-3442](tel:602-635-3442) (fax)
ej@nicelydoneconsulting.com

5 attachments

-  **TESD_FRN 2027596 Service Substitutions_NIC.pdf**
246K
-  **TESD_FRN 2027596 Service Substitutions_NIC_v2.pdf**
244K
-  **TESD_LOA_10-11.pdf**
1448K
-  **TESD_FRN 2027596 Service Substitution_Letter of Appeal.pdf**
110K

Nicely Done Consulting Mail - SLD Inquiry #_ 22-292547 Received.pdf



SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>
To: "ej@nicelydoneconsulting.com" <ej@nicelydoneconsulting.com>

Thu, May 10, 2012 at 1:22 PM

Ernest,

The appeals department has requested a copy of the auto-response confirmation e-mail that you receive when sending an e-mail to the appeals address.

Thank you,

Anthony Siebert

Technical Client Service Bureau

Schools and Libraries Division

Help Line: [888-203-8100](tel:888-203-8100)

Fax: [888-276-8736](tel:888-276-8736)

E-mail: sld-problem-resolution@vangent.com

From: EJ Nicely [<mailto:ej@nicelydoneconsulting.com>]

Sent: Thursday, May 10, 2012 11:01 AM

To: SLD Problem Resolution Mailbox

Subject: Case #22-370516, Attn: Anthony

[Quoted text hidden]

EJ Nicely <ej@nicelydoneconsulting.com>
To: SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>

Thu, May 10, 2012 at 3:40 PM

Unfortunately, I never received an auto-response. I mentioned this fact in my first request for status update on February 26th (case # 22-331316). That case number was closed without any response, by the way.

Thank you,
Ernie

Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
[623-780-5737](tel:623-780-5737) x513
[623-203-3063](tel:623-203-3063) (mobile)

602-635-3442 (fax)
ej@nicelydoneconsulting.com

[Quoted text hidden]

SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>
To: "ej@nicelydoneconsulting.com" <ej@nicelydoneconsulting.com>

Mon, May 14, 2012 at 12:30 PM

Ernest,

Your original appeal e-mail has been forwarded to the Appeals department. You will be receiving notification of the receipt soon. They were not able to indicate with certainty at this time whether this submission will be considered timely, but this will be determined during the review.

From: EJ Nicely [mailto:ej@nicelydoneconsulting.com]
Sent: Thursday, May 10, 2012 5:41 PM
To: SLD Problem Resolution Mailbox
Subject: RE: Case #22-370516, Attn: Anthony

[Quoted text hidden]

EJ Nicely <ej@nicelydoneconsulting.com>
To: SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>

Mon, May 14, 2012 at 5:31 PM

What do you mean by "timely?" Are you determining that this appeal was filed in January (which it was), or that it was filed this month, when we inquired about the status?

Thank you,
Ernie

Ernie Nicely, Jr.
Project Manager
Nicely Done Consulting
623-780-5737 x513
623-203-3063 (mobile)
602-635-3442 (fax)
ej@nicelydoneconsulting.com

[Quoted text hidden]

SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>
To: "ej@nicelydoneconsulting.com" <ej@nicelydoneconsulting.com>

Tue, May 15, 2012 at 8:51 AM

Ernest,

The Appeals department will determine during the review whether it will be considered to have been submitted in January or in May.

Thank you,

Anthony Siebert

Technical Client Service Bureau

Schools and Libraries Division

Help Line: [888-203-8100](tel:888-203-8100)

Fax: [888-276-8736](tel:888-276-8736)

E-mail: sld-problem-resolution@vangent.com

From: EJ Nicely [<mailto:ej@nicelydoneconsulting.com>]

Sent: Monday, May 14, 2012 7:31 PM

[Quoted text hidden]

[Quoted text hidden]



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2010-2011

July 12, 2012

Ernest Nicely, Jr.
Nicely Done Consulting, LLP
3820 W. Happy Valley Road
Suite 141 #497
Glendale, AZ 85310

Re: Applicant Name: TEMPE SCHOOL DISTRICT 3
Billed Entity Number: 142962
Form 471 Application Number: 750632
Funding Request Number(s): 2027596
Decision Letter Date: December 20, 2011
Date Appeal Postmarked: July 09, 2012
Your Correspondence Dated: May 10, 2012

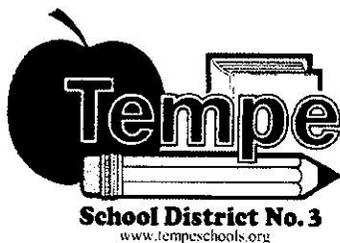
Our records show that your appeal was postmarked more than 60 days after the date your Administrator's Decision on Service Substitution Request was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter 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

Ernest Nicely, Jr.
Nicely Done Consulting, LLP
3820 W. Happy Valley Road
Suite 141 #497
Glendale, AZ 85310

Billed Entity Number: 142962
Form 471 Application Number: 750632
Form 486 Application Number:



AN AFFIRMATIVE ACTION
EQUAL OPPORTUNITY EMPLOYER

P.O. Box 27708 - Tempe, Arizona 85285-7708

Phone (480) 730-7100

September 14 2009

Nicely Done Consulting
3820 W Happy Valley Road
Suite 141, #497
Glendale, Az 85310

Re: Letter of Agency For Funding Year 2010-11

This is to confirm our participation with **Nicely Done Consulting** for the procurement of **Internet Services, Telecommunications Services (Cellular Phone, Long Distance Service, and Local Phone Service), Internal Connections, Basic Maintenance of Internal Connections and any eligible E-rate Services.** I hereby authorize **Nicely Done Consulting** to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the **Tempe Elementary Unified School District.**

I understand that, in submitting these forms on our behalf, you are making certifications for **Tempe Elementary Unified School District.** By signing this Letter of Agency, I make the following certifications:

- (a) I certify that schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our school district has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our school district is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):

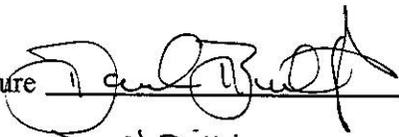
an individual technology plan for using the services requested in this application; and/or

higher-level technology plan(s) for using the services requested in this application; or

no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

- (d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our school district has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form 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) 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 will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to Nicely Done Consulting for E-rate submission is true.

Name of Entity TEMPE Elementary Schools #3 Signature 

Date Sept 28th 2009 Name: David Billings

Title: Manager IT, Customer Support