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SEP 10 2012

APR 24 2012

Federal Communications Commission
Office of the Secretary

FCC Mail Room

focused. experienced. dedicated. **E-Rate Consulting**

April 3, 2012

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

*CC Docket # 02-6
Fairland Local Schools
Proctorville, Ohio*

Re: Waiver Request

83

Dear Sir or Madam:

I am submitting this waiver of the attached 470 and 471 for Funding Year 2012. The Form 470 429130000967180 had an allowable contract date of March 23, 2012. Fairland Local Schools selected Frontier North, Inc. as its service provider on March 24, 2012. Fairland Local Schools has complied with the rules and requirements of the 470 28-day competitive bidding period. Please accept the enclosed 471 for Erate approval.

Appellant Name:	Erate Exchange, LLC
Applicant Name:	Fairland Local Schools
Billed Entity Number:	130052
Service Provider:	Frontier North, Inc.

The late filing was an administrative error and misunderstanding related to the filing deadline. This lack of understanding during the filing window prevented Fairland Local Schools from submitting a 471 within the filing window. Based on the Bishop Perry Order and the Acorn Public Library District Order, we request this FRN be funded and FCC actions remain consistent with this order.

Given that the denial of funding in this case was based on merely an administrative error, regarding the submission of the 470 and 471 filing deadlines, the Parties respectfully request that the FCC process this Waiver Request and approve the funding commitment for Fairland Local Schools. The denial of funding for an administrative error places a particular hardship on a school district such as Fairland Local Schools that otherwise should have been approved for and received E-rate funding for its application.

We respectfully request that you overturn the denial and restore full funding of this FRN. Thank you for reviewing this appeal. Please use the contact information below.

Shari Dwyer Phillips, President, E-rate Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, 6

Sincerely,

E-rate Exchange, LLC

Ms. Shari D. Phillips
President

*Final Waiver Request
NO PRODS* 0

CC: USAC
Enclosures – 2012 Form 471 Fairland Local Schools - Frontier North, Inc.
USPS 7008 0150 0000 0257 3279

APR 24 2012

**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471**

FCC Mail Room

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/si.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference)

130052 Fairland Frontier

Form 471 Application #:

(To be assigned by administrator)

Block 1: Billed Entity Address and Information

1 Name of Billed Entity

FAIRLAND LOCAL SCHOOL DISTRICT

2 Funding Year **2012** (Funding years run from July 1 through the following June 30)

3a Entity Number **130052**

3b FCC Registration Number **0014210595**

4a Street Address, P.O. Box, or Route Number

228 PRIVATE DRIVE 10010

City **PROCTORVILLE** State **OH** Zip Code **45669-8600**

4b Telephone Number _____ Ext _____

4c Fax Number _____

5a Type of Application (check only one)

- Individual School (individual public or non-public school)
- School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
- Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- Consortium (intermediate service agencies, consortia of schools and/or libraries)
- Statewide application for (enter 2-letter state code) _____

representing (check all that apply)

- All public schools/districts in the state
- All non-public schools in the state
- All libraries in the state

5b Recipient(s) of Services:

- Private
- Public
- Charter
- Tribal
- Head Start
- State Agency

Entity Number **130052** Applicant's Form Identifier **130052 Fairland Frontier**
Contact Person **Shari Phillips** Contact Telephone Number **315-422-7608 ext.**

Block 1: Billed Entity Address and Information (continued)

6a Contact Person's Name

Shari Phillips

If the Contact Person's Street Address is the same as Item 4 above, check here. If not, complete Item 6b.

6b Street Address, P.O. Box, or Route Number NOTE: USAC will use THIS address to mail correspondence about this form.
1204 James Street

City **Syracuse** State **NY** Zip Code **13203**

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

6c Telephone Number **315-422-7608** Ext. _____

6d Fax Number **866-283-9332**

6e E-mail Address **sdp@erateexchange.com**

Re-enter E-mail Address **sdp@erateexchange.com**

6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address

If a consultant is assisting you with your application process, please complete Item 6g below:

6g Consultant Name **Shari Phillips**

Name of Consultant's Employer **Erate Exchange, LLC**

Consultant's Street Address **1204 James Street**

City **Syracuse** State **NY** Zip Code **13203**

Consultant's Telephone Number **315-422-7608** Ext. _____

Consultant's Fax Number **866-283-9332**

Consultant's E-mail Address **sdp@erateexchange.com**

Re-enter E-mail Address **sdp@erateexchange.com**

Consultant Registration Number **16043595**

Entity Number 130052 Applicant's Form Identifier 130052 Fairland Frontier
 Contact Person Shari Phillips Phone Number 315-422-7608 ext.

Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.

Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.

Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471

		Schools	Libraries
7a	Number of students or patrons to be served	1947	
b	Telephone service: Number of classrooms or rooms with phone service	150	
c	Direct connections to the Internet: Number of drops	750	
d	Number of classrooms or rooms with Internet access	150	
e	Number of computers or other devices with Internet access	750	
f	Number of dial-up Internet access and other connections of up to 200 kbps:	0	
g	High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area)	At or greater than 200 kbps and less than 1.5 mbps	0
		At or greater than 1.5 mbps and less than 3 mbps	0
		At or greater than 3 mbps and less than 10 mbps	0
		At or greater than 10 mbps and less than 25 mbps	0
		At or greater than 25 mbps and less than 50 mbps	0
		At or greater than 50 mbps and less than 100 mbps	0
		Greater than 100 mbps	4

Block 3:

8. [Reserved]

Entity Number 130052 Applicant's Form Identifier 130052 Fairland Frontier
 Contact Person Shari Phillips Contact Telephone Number 315-422-7608 ext.

Block 4: Discount Calculation Worksheet

Worksheet _____
 Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):
 School District or Library System Name: FAIRLAND LOCAL SCHOOL DISTRICT School District or Library System Entity Number: 130052 (For Administrator's Use)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	AR Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate code(s): P = pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
FAIRLAND HIGH SCHOOL	50693 39 04793 03044	U	583	218	37.393	60				34980				
FAIRLAND WEST ELEMENTARY SCHOOL	16023371 39 04793 04628	U	225	225	49.559	80				36320				
FAIRLAND MIDDLE SCHOOL	50696 39 04793 03046	U	189	189	43.750	60				25920				
FAIRLAND EAST ELEM SCHOOL	50695 39 04793 03045	U	240	240	50.209	80				38240				

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	1947									135460				70%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number 130052 Applicant's Form Identifier 130052 Fairland Frontier
 Contact Person Shari Phillips Phone Number 315-422-7608 ext.

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page _____ of _____

10 If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided: _____

11 **Category of Service** (only ONE category should be checked)

PRIORITY 1
Telecommunications Service

PRIORITY 2
Internal Connections Other than Basic Maintenance

Internet Access

Basic Maintenance of Internal Connections

12 **Form 470 Application Number**
429130000967180

13 **SPIN – Service Provider Identification Number**
143004791

14 **Service Provider Name**
Frontier North, Inc.

15a Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.

15b **Contract Number**
n/a

15c Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider)

15d Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract if so, provide that FRN here _____

16a **Billing Account Number** (e.g., billed telephone number)
216-159-0172-050503

16b Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.

17 **Allowable Vendor Selection/Contract Date** (mm/dd/yyyy)

18 **Contract Award Date** (mm/dd/yyyy)

19 **Service Start Date** (mm/dd/yyyy) 07/01/2012

20a **Service End Date** (mm/dd/yyyy) 06/30/2013

20b **Contract Expiration Date** (mm/dd/yyyy)

23 Calculations	
Recurring Charges	A. Monthly charges (total amount per month for service) <u>2710.73</u>
	B. How much of the amount in A is ineligible? <u>0.00</u>
	C. Eligible monthly pre-discount amount (A minus B) <u>2710.73</u>
	D. Number of months service provided in funding year <u>12</u>
	E. Annual pre-discount amount for eligible recurring charges (C x D) <u>32,528.76</u>
Non-Recurring Charges	F. Annual non-recurring charges <u>0.00</u>
	G. How much of the amount in F is ineligible? <u>0.00</u>
	H. Annual eligible pre-discount amount for non-recurring charges (F minus G) <u>0.00</u>
Total Charges	I. Total funding year pre-discount amount (E + H) <u>32,528.76</u>
	J. Discount from Block 4 Worksheet <u>70%</u>
	K. Funding Commitment Request (I x J) <u>22,770.13</u>

21 **Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window.** Attachment
 You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. _____

22 **Entity/Entities Receiving This Service:**

a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: _____

b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): All entities to be served

Do not write in this area

Entity Number	130052	Applicant's Form Identifier	130052 Fairland Frontier
Contact Person	Shari Phillips	Phone Number	315-422-7608 ext.

Block 6: Certifications and Signature

- 24 I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a 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; and/or
 - b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

25 I certify that the entity I represent or the entities listed on this application have 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 the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a	Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	32,528.76
b	Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	22,770.13
c	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	9758.63
d	Total budgeted amount allocated to resources not eligible for E-rate support	
e	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	9758.63
f	<input checked="" type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

26 I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have 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.

OR I certify that no technology plan is required by Commission rules

27 I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

28 I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily 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 Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

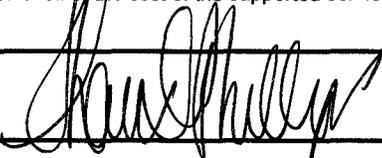
30 I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Do not write in this area

Entity Number 130052 Applicant's Form Identifier 130052 Fairland Frontier
Contact Person Shari Phillips Phone Number 315-422-7608 ext.

Block 6: Certification and Signature (Continued)

- 31 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.
- 32 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.
- 33 I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts 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.
- 34 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 listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35 I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).
- 36 I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- 37 I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, 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.

38	Signature of authorized person 	39	Date <u>04/3/2012</u>
40	Printed name of authorized person <u>Shari D. Phillips</u>		
41	Title or position of authorized person <u>Consultant</u>		
	<input checked="" type="checkbox"/> Check here if the consultant in Item 6g is the Authorized Person.		
42a	Street Address, P.O. Box, or Route Number <u>1204 James Street</u>		
	City <u>Syracuse</u>		
	State <u>NY</u>	Zip Code <u>13203</u>	

Entity Number	130052	Applicant's Form Identifier	130052 Fairland Frontier
Contact Person	Shari Phillips	Contact Telephone Number	315-422-7608 ext.
42b	Telephone Number of Authorized Person		Ext.
	315-422-7608		
42c	Fax Number of Authorized Person		
42d	E-mail Address of Authorized Person	sdp@erateexchange.com	
	Re-enter E-mail Address	sdp@erateexchange.com	
42e	Name of Authorized Person's Employer	Erate Exchange, LLC	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**