

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Request for Review of Decisions of the)
Universal Service Administrator)

Wilson County School District)
North Carolina)

CC Docket No. 02-6

FCC Form 471 Application #: 829164

FRN 2372018, 2372034, 2372044, &
2372056 (FY 2012)

To: Chief, Wireline Competition Bureau

SUPPLEMENT TO REQUEST FOR REVIEW

John W. Hughes
Wilson County School District
c/o New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516
(919) 968-4332
jhughes@newhopetech.org

*Contracted Consultant & Contact for
Wilson County School District*

Dated: January 17, 2013

TABLE OF CONTENTS

| | |
|--|-----------|
| SUMMARY..... | 1 |
| I. STATEMENT OF THE DISTRICT’S INTEREST IN THE CONSOLIDATED REQUEST | 3 |
| II. INTRODUCTION – BASIS FOR DENIAL..... | 3 |
| III. KEY BACKGROUND FACTS..... | 3 |
| A. The District..... | 3 |
| B. The Underlying Denial Finding | 4 |
| C. SLD Guidance and Procedures Used by the District to Complete FCC Form 471’s and Make Corrections As a Result of Ministerial and Clerical Errors | 4 |
| IV. STANDARD OF REVIEW AND GOVERNING PRECEDENT..... | 8 |
| VI. ARGUMENT..... | 10 |
| A. The District’s Response to the Denial Finding that the District Did Not Adhere to the Guidance Relative to Ministerial and Clerical Errors..... | 10 |
| B. The District’s Response to the Denial Finding The the District Requested Additional Funds Not Included in the FCC From 471. | 12 |
| VII. REQUEST FOR WAIVER..... | 13 |
| A. The Law | 13 |
| B. Limited Request for Waiver of the Commission’s Rules, Including Rules Relating to Surveys..... | 14 |
| VIII. CONCLUSION AND REQUEST FOR RELIEF..... | 15 |

SUMMARY

This Consolidated Supplement is made to a Request for Review (“Request”) filed on December 21, 2012 by the Wilson County School District (the “District” or “Wilson County”). The Request being supplemented herein involves primarily the propriety of the District’s submission to the Schools and Libraries Division of the Universal Services Administrative Company (collectively, “USAC”) of a request to remove certain billed entities (BEN’s) that were to receive certain eligible services supported under the Schools and Libraries Support Mechanism (“E-Rate Program”) administered by the Schools and Libraries Division of the Universal Services Administrative Company (collectively, “USAC”). USAC contends that the request did not meet the standard for a clerical & ministerial error.

The District respectfully submits that the grounds on which USAC justifies their decision cannot be sustained. The District followed the applicable rules in requesting the removal of the entities and has provided supporting documentation to USAC to support its contention.

Before the

**FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|---|---|---|
| In the Matter of |) | |
| |) | |
| Request for Review of Decisions of the Universal Service Administrator |) | CC Docket No. 02-6 |
| |) | |
| Wilson County School District |) | FCC Form 471 Application #: 829164 |
| North Carolina |) | |
| |) | FRN 2372018, 2372034, 2372044, & 2372056 (FY 2012) |

To: Chief, Wireline Competition Bureau

CONDSOLIDATED SUPPLEMENT TO REQUEST FOR REVIEW

Wilson County School District (the “District” or “Wilson County”), acting through counsel and pursuant to and in accordance with Sections 54.719-54.721 of the Federal Communication Commission’s (“FCC” or “Commission”) rules, hereby supplements its previously-filed Request for Review (“Request”).¹ Therein, the District sought review of USAC’s denial of the District’s appeal (“Appeal”) for Funding Years (“FY”) 2012.

¹ On December 21, 2012 the District filed a Request with the Commission (See Exhibit 1) seeking review of the denial of the August 28, 2012 District appeal (See Exhibit 2 and 3) filed with the Schools and Libraries Division of the Universal Service Administrative Company (collectively, “USAC”) relating to the captioned FRNs. The District USAC Appeal contested the USAC Funding Commitment Decision Letter (“FCDL” and See Exhibit 4) relating to those FRNs. The Request was timely filed on December 21, 2012. Section 54.720(b) of the Commission’s rules requires the filing of an appeal with the FCC “within sixty (60) days of issuance” of a decision by USAC. The Decision Letter is dated October 22, 2012, and 60 days thereafter would be December 21, 2012. Since the Request was filed on December 21, 2012, which is 60 days from the date of the Decision Letter, it was timely filed.

I. STATEMENT OF THE DISTRICT’S INTEREST IN THE CONSOLIDATED REQUEST

The District had standing to file its appeal because Section 54.719(c) of the Commission’s rules provides that, “[a]ny person aggrieved by an action taken by a division of the Administrator ... may seek review from the Federal Communications Commission.”² In this case, the District is directly aggrieved by USAC’s Decision Letter, which seeks to deny funding for E-Rate Program funds for FY 2012.

II. INTRODUCTION- BASIS FOR DENIAL

This USAC Decision Letter affirms a decision relating to the captioned FRNs and was based on an exchange of information between USAC and the District.

Based on the Decision Letter the principal reason that became the basis for the denial was “After review of the supporting the documentation provided, USAC has been determined that the request is not an allowable correction. Your request failed to supply the documentation that was used at the time of filing the FCC Form 471 that supports the fact that the [three entities] were not intended to receive services. Therefore your appeal is denied.” The District respectfully disagrees with the justification for the denial and requests that it be rescinded in full. The rationale for this disagreement is presented below.

III. KEY BACKGROUND FACTS

A. The District

The District serves over 12,100 students in grades kindergarten through twelfth grade. Wilson County’s student population has increased by 15% in the past 20 years. The District enjoys strong community support for its schools, partnerships with business and faith based

² 47 C.F.R. § 54.719(c).

organizations, and substantial parental involvement. Student achievement ranks among the top tier of all North Carolina school districts. Diversity in the District is evidenced by the over 18 languages spoken by students and their families. In order to improve the quality of instruction in this poor part of North Carolina the District must update its educational services. The District's goal is to "empower[] all students to become successful in a global society."

B. The Underlying Denial Finding

Based on the Decision Letter the principal reason that became the basis for the denial was "After review of the supporting the documentation provided, USAC has been determined that the request is not an allowable correction. Your request failed to supply the documentation that was used at the time of filing the FCC Form 471 that supports the fact that the [three entities] were not intended to receive services. Therefore your appeal is denied."

C. SLD Guidance and Procedures Used by the District to Complete Form 471's and Make Corrections As a Result of Ministerial & Clerical Errors

The District each year makes a determination of what Erate fundable services it will need for the next school year and completes a FCC Form 470 listing those services. Bids are received in the succeeding twenty-eight (28) day period and at the conclusion of twenty-eight days each bid is scored according to a decision matrix and the winning bidder is selected for the particular service in question. The District also determines the number of NSLP qualified students using either the number of NSLP participants or the result of an alternative income survey conducted according to USAC guidance. Each school and non instructional entity is listed on a District prepared spreadsheet which lists each school's entity number, its enrollment, its number of

NSLP qualified students, and the method of calculating the school's discount (either NSLP of alternative survey) (See Exhibit 7).

After the preparation of the aforementioned documents, the FCC Form 471 for Priority 1 is then completed by entering the applicable District information in Blocks 1 and 2. Block 4 contains the discount information and calculation for each entity receiving service. The District completes this Block by transferring the discount information for the entire District from Block 4 of the previous year's Priority 1 471 application onto the current year's Priority 1 application and then updating any information needed as per the aforementioned spreadsheet. This saves the district the time of manually re-entering each entity into the Priority 1 Block 4 section of the application.

The FCC Form 471 for Priority 2 is then completed by entering the applicable District information in Blocks 1 & 2. Block 4 contains the discount information and calculation for each entity receiving service. The Priority 2 application usually contains less entities than the Priority 1 application therefore the District completes this Block by transferring the discount information for the entire District from Block 4 of the current year (and just completed Priority 1 471 application) onto the Priority 2 application and then deleting entities until it balances with the information from the aforementioned spreadsheet. This saves the district the time of manually re-entering each entity into the Priority 2 Block 4 section of the application. Block 5 contains the information about each winning service provider including the contracted amount for which funding will be requested. This information is obtained from the decision matrixes and the service provider quotes or contracts. Block 6 is completed by entering the appropriate information about the District and making the appropriate certifications.

In the instance of FCC Form 471 # 829164 for Priority 2 services the District made a clerical error in completing the form. Three entities were included in Block 4, Worksheet 1399351, which should not have been included. These entities were not listed on the discount spreadsheet (which was prepared prior to the completion of the FCC Form 471) prepared by the district and which was used to complete the Block 4 worksheet. Quite simply, these entities should have been eliminated when the Block 4 data was transferred from the Priority 1 application and their inclusion was the result of a clerical error.

The guidance posted to the USAC website (<http://www.universalservice.org/sl/applicants/step02/clerical-errors.aspx>) at the time of the FY 2012 applications relative to ministerial & clerical errors states that:

“Ministerial and clerical (M&C) errors are defined as data entry errors or mistakes applicants made on the FCC Form 470 or FCC Form 471. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error.” (Order FCC 11-60, released April 14, 2012). USAC can process Requests to correct M&C errors up until the time that a Funding Commitment Decision Letter (FCDL) is issued.

Allowable Corrections

- Spelling errors
- Simple addition, subtraction, multiplication or division errors
- Transposed letters and/or numbers
- Misplaced decimal points
- Other punctuation marks (hyphens, periods, commas, etc.) included or not included or misplaced
- Failing to enter an item from the source list (e.g., NSLP data, uploaded Block 4 data, FRN, etc.)
- Incorrect citations such as:
 - FCC Form 470 number
 - Discount percent
 - Urban/rural status
 - Contract number
 - Billing Account Number/Multiple Billing Account Numbers
 - FCC Form 471 Block 4 worksheet entries
- Updates or changes to contact person and/or consultant information
- Errors in dollars figures on an FRN
- Adding or removing entities accidentally omitted or included in FCC Form 471 Block 4
- Accidental omission of FRNs from the FCC Form 471
- Changing the amount budgeted for ineligible services (Item 25d, “necessary resources”) in FCC Form 471 Block 6
- Changing the service delivery time period (e.g., month-to-month to contractual, recurring to non-recurring)

- Mis-keying the Service Provider Identification Number (SPIN) or Service Provider Name
- Corrective SPIN changes
- Correcting the annual charges for recurring charges
- Incorrectly identifying ineligible charges and/or services or products

Request to correct M&C errors should be submitted to USAC as soon as the errors are detected by the applicant. USAC will accept and process requests until an FCDL is issued.”

The District notified USAC on August 1, 2012 of the error in Block 4 of application 829164 and requested that the entities in question be removed due to a ministerial & clerical error. USAC on that same day confirmed receipt of the notice and request (See Exhibits 5). On August 13, 2012 USAC sent a FCDL to the District denying the funding request (See Exhibit 4). As the District notified USAC of the error before the FCDL was issued, the notice requirement of the guidance was met.

The District then filed a Letter of Appeal on August 28, 2012 with USAC (See Exhibit 3). A USAC Program Compliance reviewer on September 20, 2012 requested clarification of the appeal in an email to the District’s consultant which was answered via email by the consultant back to the reviewer on October 5, 2012 (see Exhibit 6). The District provided copies of the Block 4 input documents in the form of the aforementioned spreadsheets that the district used to complete Block 4, Worksheet 1399351. These spreadsheets clearly demonstrate that the entities in question were not intended to be included in Worksheet 1399351.

The District also provided vendor quotes or contracts and the contract for FRN 2372044 details the individual entities that were to receive service and they clearly show that the entities to receive service are identical to ones listed on the Block 4 input spreadsheets and do not include the entities that the RAL requested to be deleted. The contracts for the other three FRN’s do not detail the entities for which they will provide service, however there is no USAC requirement that either a quote or contract detail the entities for which service will be provided as most often the contract is between the service provider and the school district.

IV. STANDARD OF REVIEW AND GOVERNING FCC PRECEDENT

USAC's authority to administer the E-Rate Program is limited to implementing and applying the Commission's rules and the Commission's interpretations of those rules as found in agency adjudications.³ USAC is not empowered to make policy, interpret any unclear rule promulgated by the Commission,⁴ or to create the equivalent of new guidelines.⁵ USAC is responsible for "administering the universal support mechanisms in an efficient, effective, and competitively neutral manner."⁶ The Commission's review of the Decision Letter is *de novo*, without being bound by any findings of USAC.⁷

Furthermore the *de novo* review in this case must consider the following relevant FCC precedents:

- Until an E-Rate Program rule is adopted, an applicant cannot be expected to comply with it.⁸
- Compliance with ministerial and clerical error standards must be measured "as they existed at [the] time" of the alleged violation.⁹

³ 47 C.F.R. § 54.702(c).

⁴ *Id.*

⁵ *Changes to the Board of Directors of the Nat'l Exchange Carrier Ass'n, Inc., Third Report and Order*, 13 FCC Rcd 25058, 25066-67 (1998).

⁶ 47 C.F.R. § 54.701(a).

⁷ 47 C.F.R. § 54.723.

⁸ *See Request for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools, Aiken, SC et al., Schools and Libraries Universal Service Support Mechanism, Order*, 23 FCC Rcd 8735, 8737 ¶6 (2007).

⁹ *See In the Matter of Request for Review of Decisions of the Universal Service Administrator by Colegio Nuestra Senora del Carmen et al., Schools and Libraries Universal Support Mechanism, Order*, 23 FCC Rcd 15568, 15573 ¶12 (Telecom. Access Pol. Div. 2008).

- Clarifications or changes to E-Rate Program rules and policies are normally to be applied prospectively by USAC.¹⁰

- USAC should not be denying funding “where the applicant made a good faith effort to comply with the funding guidelines” and should inform the applicants prior to denying funding of “any errors..., along with a specific explanation of how the applicant can remedy such errors.”¹¹

- The Commission noted that it “has vested in USAC the responsibility of administering the application process for the schools and libraries universal service support mechanism;” pursuant to that authority, USAC developed procedures relating to the application and appeals process and in *Bishop Perry*, the Commission applied the 47 C.F.R. § 1.3 waiver rule to allow a limited waiver of USAC procedures.¹²

A review of the Request in light of these standards and precedent will reveal that the Decision Letter was not supported by FCC law or policies. Most fundamentally, USAC failed to explain why it decided to ignore the District’s request to remove the entity or the explanation of its ministerial and clerical errors and the guidance posted to the USAC website relative to ministerial and clerical errors. This action flies in the face of repeated Commission admonitions that applicants should have the opportunity to correct their mistakes and that USAC must explain its actions.

¹⁰See *Request for Review of the Decision of the Universal Service Administrator by Ysleta, Independent School District, El Paso, Texas, Schools and Libraries Universal Support Mechanism, Order*, 18 FCC Rcd 26406, 26419-23 ¶¶26-38 (2003); *Request for Review of the Decision of the Universal Service Administrator by Winston Salem/Forsyth County School District, Winston-Salem North Carolina, Schools and Libraries Universal Support Mechanism, Order*, 18 FCC Rcd 26457, 26462 ¶13 (2003).

¹¹ *Request for review of the Decision of the Universal service Administrator Academia Claret, Puerto Rico, et al.*, 21 FCC Rcd 10703, 10709 ¶14 (Wireline Compet. Bur. 2006).

¹² *Request for Review of Decision by the Universal Service Administrator by Bishop Perry Middle School, Order*, 21 FCC Rcd 5316, 5618 ¶4 (2006)(“*Bishop Perry Order*”).

VI. ARGUMENT

As previously noted, the Denial is based on the assertions that the District did not comply with the ministerial and clerical error procedures, which conclusions are discussed in detail and refuted by Wilson County as follows:

A. **The District's Response to the Denial Finding that the District Did Not Adhere to the Guidance Relative to Ministerial and Clerical Errors**

Denial Letter Assertion – “A Form 471 Receipt Acknowledgement Letter (RAL) was sent to Wilson County School District on March 27, 2012. The RAL lists allowable clerical and ministerial corrections to the FCC Form 471 including modifications to Block 4. Corrections may be submitted up to the time that funds are committed. The Funding Commitment Decision letter was issued on August 13 2012. On August 1, 2012, Wilson County School District requested to correct a ministerial or clerical error by the removal of [three entities] from Block 4 Worksheet No: 1399351. During the appeal review process, Wilson County School District was asked to confirm their request to remove the entities and provide supporting documentation to determine whether or not a ministerial and clerical error occurred. According to FCC Order (FCC 11-60) ministerial and clerical errors are defined as follows: “The applicant can amend its forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentations until a FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error.” After reviewing the documentation provided, USAC has determined the the [sic] request is not an allowable correction. Your request failed to supply the supporting documentation that used at the time of the filing of the FCC Form 471 that supports the fact that [the three entities] were not intended to receive services. Therefore, your request to remove the entity is denied.”

The District's Response -- As stated earlier, The District determines the number of NSLP qualified students using either the number of NSLP participants or the result of an alternative income survey conducted according to USAC guidance. Each school and non instructional entity is listed, prior to preparing and completing the FCC Form 471, on a District prepared spreadsheet (See Exhibit 7) which lists each school's entity number, its enrollment, its number of NSLP qualified students, and the method of calculating the school's discount (either NSLP of

alternative survey). These items are the necessary elements that have to be entered into each entity's section of the Block 4.

After the discount spreadsheet is prepared, the FCC Form 471 for Priority 1 is then completed by entering the applicable District information in Blocks 1 & 2. Block 4 contains the discount information and calculation for each entity receiving service. The District completes this Block by transferring the discount information for the entire District from Block 4 of the previous year's Priority 1 471 application onto the current year's Priority 1 application and then updating any information needed as per the aforementioned spreadsheet. This saves the district the time of manually re-entering each entity into the Priority 1 Block 4 section of the application.

The FCC Form 471 for Priority 2 is then completed by entering the applicable District information in Blocks 1 & 2. Block 4 contains the discount information and calculation for each entity receiving service. The District completes this Block by transferring the discount information for the entire District from Block 4 of the current year and just completed Priority 1 471 application onto the Priority 2 application and then deleting entities until it balances with the information from the aforementioned spreadsheet. This saves the district the time of manually re-entering each entity into the Priority 2 Block 4 section of the application. Block 5 contains the information about each winning service provider including the contracted amount for which funding will be requested. This information is obtained from the decision matrixes and the service provider quotes or contracts. Block 6 is completed by entering the appropriate information about the District and making the appropriate certifications.

In the instance of FCC Form 471 # 829164 Worksheet No:1399351 for Priority 2 services, the District made an error in completing the form. The three entities in question were not deleted from Block 4 of the Priority 2 application when the upload was done from the

Priority 1 application. These entities were not listed on the discount spreadsheet prepared by the district and which was used to complete the Block 4 worksheet. Quite simply, these entities should have been eliminated when the Block 4 data was transferred from the Priority 1 application and the failure to do so was the result of a clerical error.

The District also provided vendor quotes or contracts and the contract for FRN 2372044 details the individual entities that were to receive service and they clearly show that the entities to receive service are identical to ones listed on the Block 4 input spreadsheets and do not include the entities that the RAL requested to be deleted. The contracts for the other three FRN's do not detail the entities for which they will provide service, however there is no USAC requirement that either a quote or contract detail the entities for which service will be provided as most often the contract is between the service provider and the school district.

Clearly this error meets the standard of the "kinds of errors that a typist might make when entering data from one list to another".

B. The District's Response to the Denial Finding that the District Requested Additional Funds That Were Not Included in the FCC Form 471

Denial Letter Assertion – "Your appeal Request additional funds that were not included in the FCC Form 471 that you are appealing."

The District's Response – The District respectfully submits that this assertion is simply incorrect.

VII. REQUEST FOR WAIVER

A. The Law

The Commission's rules allow waiver of a Commission rule "for good cause shown."¹³ The Commission has extended this waiver authority to limited waivers of USAC rules. For example, in the *Bishop Perry Order*, the Commission noted that it "has vested in USAC the responsibility of administering the application process for the schools and libraries universal service support mechanism."¹⁴ Pursuant to that authority, USAC developed procedures relating to the application and appeals process.¹⁵ Thus, in *Bishop Perry*, the Commission applied the 47 C.F.R. § 1.3 waiver rule to allow a limited waiver of USAC procedures.¹⁶

The FCC has established the following guidance for determining whether waiver is appropriate:

A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.¹⁷

¹³ 47 C.F.R. § 1.3.

¹⁴ *Bishop Perry Order*, ¶4.

¹⁵ The *Bishop Perry Order* dealt with USAC application procedures known as "minimum processing standards." *Id.*

¹⁶ *Id.*

¹⁷ *Request for Review by Richmond County School District*, 21 FCC Rcd 6570, 6572 ¶5 (2006 (internal references omitted) (citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (D.C. Cir. 1972)).

B. Limited Request for Waiver of the Commission’s Rules, Including Rules Relating to Ministerial and Clerical Errors

Strict compliance with the Commission’s rules would not be in the public interest. In *Bishop Perry*, the FCC granted 196 appeals of decisions denying funding due to “clerical or ministerial errors in the application.”¹⁸ In that case, the FCC found good cause to waive the minimum processing standards established by USAC, finding that “rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest.”¹⁹ Many of the appeals in *Bishop Perry* involved staff mistakes or mistakes made as a result of staff not being available.²⁰ The Commission granted the waivers for good cause, noting that:

[T]he primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants.²¹

¹⁸ *Bishop Perry Order*, ¶1.

¹⁹ *Id.*, ¶11. The Commission departed from prior Commission precedent, noting that the departure was, “warranted and in the public interest.” *Id.*, ¶9. The Commission noted that many of the rules at issue were procedural, and that a waiver is consistent with the purposes of Section 254, which directs the Commission to “enhance ... access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries.” *Id.*

²⁰ *Id.*, ¶13.

²¹ *Id.*, ¶14.

The Commission directed USAC to allow applicants the opportunity to fix ministerial and clerical errors and concluded that such an opportunity would “improve the efficiency and effectiveness of the Fund.”²² The District clearly falls into the same category. A limited waiver of this rule will not adversely affect any other applicant. The Commission may also taken into consideration “hardship, equity, or more effective implementation of overall policy on an individual basis.”²³ In this case, deviation from the Commission’s rules would better serve the public interest than strict application of the appeal filing deadline. Moreover, the overwhelming contemporaneous evidence proves that the District took steps to attempt to properly complete Block 4 of the FCC Form 471 application in question. Thus, any errors in this case should not be considered substantive, and there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.²⁴

VIII. CONCLUSION AND REQUEST FOR RELIEF

First, the District requests the Commission to make a finding that USAC failed to properly apply its ministerial and clerical guidance rules and based on the evidence submitted, there has been no rule violation. The District respectfully requests that the Commission grant this Request and direct USAC to approve the 471 application within 30 days.

²² *Id.*, ¶23.

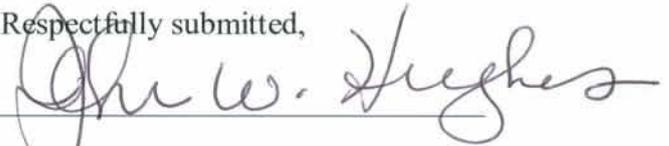
²³ *Request for Waiver of the Decision of the Universal Service Administrator by Owensboro Public Schools, Owensboro, Kentucky, Order*, 21 FCC Rcd 10047, ¶5 (2006).

²⁴ Where there is no evidence of any intent to defraud or misuse the funds of the E-Rate program and in such circumstances, when combined with the other factual circumstances, there is not grounds to justify the harsh penalty of a denial of these funds. *See generally Request for Waiver of the Decision of the Universal Services Administrator by Barberton City School,, Barberton, Ohio et al., Schools and Libraries Universal Service Support Mechanism, Order*, 23 FCC Rcd 15526, 15530 ¶7 (Telecom. Access Pol. Div. 2008). Considerations of equity and hardship also support such a result. *See generally Request for Review of Decisions of the Universal Service Administrator by Approach Learning and Assessment Centers et al, Schools and Libraries Universal Service Support Mechanism, Order*, 23 FCC Rcd 15510-15513-14 ¶8 (Telecom. Access Pol. Div. 2008). *See Request for Review of Decision of the Universal Service Administrator by Radford City Schools, Radford, Virginia, Schools and Libraries Universal Support Mechanism, Order*, 23 FCC Rcd 15451, 15453 ¶4 (Telecom. Access Pol. Div. 2008).

Second, in the alternative, if necessary, the Commission should waive ministerial and clerical rule, because there is no evidence of waste, fraud, or abuse, or failure to comply with the core program requirements, and the District complied with the ministerial and clerical guidance requirements. The mistakes at the heart of this appeal are not substantive errors and, thus, a limited waiver would be in the public interest. At all times the District made a good faith effort to comply with the Commission's rules and there is no evidence of waste, fraud or abuse.

In the spirit of the *Bishop Perry Order*, the Commission should grant the Request. The District has demonstrated good cause for a limited waiver of the Commission's rules: any mistakes that were made with respect to the Block 4 entries were not substantive and inadvertent; there is no evidence of waste, fraud, or abuse, and the District complied with core program requirements; and the public interest would be served by permitting the District to have this application approved.

Respectfully submitted,



John W. Hughes
Wilson County School District
c/o New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516
(919) 968-4332

*Contracted Consultant & Contact
for Wilson County School District*

Dated: January 17, 2013

CERTIFICATE OF SERVICE

I, John W. Hughes, certify on this 17th day of January, 2013, a copy of the foregoing Consolidated Supplement to Request for Review has been served via electronic mail or first class mail, postage pre-paid, to the following:

Priya Aiyar
Legal Advisor to Chairman Genachowski
Federal Communications Commission
445 12th Street, S.W.
Wilson, D.C. 20554
Priya.Aiyar@fcc.gov

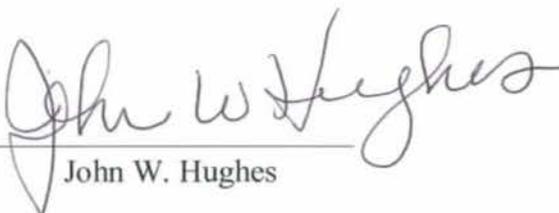
Sharon Gillette
Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Wilson, D.C. 20554
Sharon.Gillette@fcc.gov

Randy Clarke
Legal Counsel to the Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Wilson, D.C. 20554
Randy.Clarke@fcc.gov

Trent Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Wilson, D.C. 20554
Trent.Harkrader@fcc.gov

Gina Spade
Assistant Division Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Wilson, D.C. 20554
Gina.Spade@fcc.gov

Letter of Appeal
Schools and Libraries Division-
Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981
appeals@sl.universalservice.org



John W. Hughes

Exhibit I

New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516

December 21, 2012

VIA ELECTRONIC FILING

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

**Re: Appeal of USAC Decision On Appeal of Administrators Decision on Appeal in CC
Docket No. 02-6**

| | |
|---------------------------------|--------------------------------------|
| Applicant Name: | Wilson County School District |
| Billed Entity Number: | 126912 |
| Funding Year | 2012 |
| Form 471 App. Number: | 829164 |
| Funding Request Numbers: | 2372018, 2372034, 2372044, & 2372056 |

Dear Ms. Dortch:

Wilson County School District of Wilson County, North Carolina ("Wilson County" or "District), acting through counsel and pursuant to Sections 54.719-54.721 of the Commission's rules¹, hereby timely files this Request for Review or Waiver ("Appeal"). The Appeal requests Commission review of the adverse decision of the Administrator of the Universal Service Administrative Company ("USAC") denying the funding request(s) enumerated above for Funding Year 2012.²

More specifically, on October 22, 2012, USAC's Schools and Libraries Division ("SLD") issued a decision denying an appeal filed by Wilson County with USAC. In its decision on appeal USAC held that its previously-issued determination to deny funds³ was justified based on findings that the District failed to properly provide sufficient documentation that the applicant made a clerical and ministerial error in the preparation of its FCC Form 471. Specifically the decision stated that the

¹ 47 C.F.R. §§ 54.719-54.721.

² Administrator's Decision on Appeal - Funding Year 2012 - 2013, Wilson County School District (October 22, 2012), attached as Exhibit 1.

³Funding Commitment Decision Letter, August 13, 2012 ("FCDL").

Ms. Marlene H. Dortch
December 21, 2012
Page 2

District “failed to supply the documentation that was used at the time of filing the FCC Form 471 that supports the fact that [three] entities were not intended to receive services”.

We respectively disagree with this decision. We responded upon the request of USAC reviewers on October 5, 2012 and included the documentation that was used to input the list of entities in Block 4 of FCC Form 471 at the time that Form was prepared, submitted, and certified. The documents offer positive proof that indeed a clerical and ministerial error was made at the time of the preparation of the form. Further we submitted to USAC a RAL correction form on August 1, 2012 notifying USAC of the error and requesting that the error be corrected. Such notification was made prior to the issuance of the FCDL.

Wilson County is aggrieved by USAC’s October 22, 2012 decision and submits that for various reasons outlined in its original August 28, 2012 appeal to USAC and others that the decision is unjustified and in error. Specifically, the decision regarding the fact of whether a clerical and ministerial error was made in the preparation of the applicant’s FCC Form 471 is unwarranted and unjustified under the rules, policies and requirements governing the correction of clerical and ministerial errors.

Wilson County will supplement this Appeal with a full discussion of the facts, the District’s position and supporting arguments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Hughes III". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John W. Hughes III
Consultant to Wilson County School District
New Hope Foundation
One Valentine Lane
Chapel Hill, NC 2716

Exhibit 2



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

October 22, 2012

John Hughes
Wilson County School District
1 Valentine Lane
Chapel Hill, NC 27516

Re: Applicant Name: WILSON COUNTY SCHOOL DISTRICT
Billed Entity Number: 126912
Form 471 Application Number: 829164
Funding Request Number(s): 2372018, 2372034, 2372044, 2372056
Your Correspondence Dated: August 29, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2372018, 2372034, 2372044, 2372056
Decision on Appeal: **Denied**
Explanation:

- A Form 471 Receipt Acknowledgment Letter (RAL) was sent to Wilson County School District on March 27, 2012. The RAL lists allowable clerical and ministerial error corrections to the FCC Form 471 including modifications to Block 4. Corrections may be submitted up to the time that funds are committed. The Funding Commitment Decision Letter was issued on August 13, 2012. On August 1, 2012, Wilson County School District requested to correct a ministerial or clerical error by the removal of Elm City Middle School, BEN: 28610; Fike High School, BEN: 28748 and Vinson-Bynum Elem School, Ben: 28751 from Block 4 Worksheet No.: 1399351. During the appeal review process, Wilson County School District was asked to confirm their request to remove the entities and provide supporting documentation to determine whether or not a ministerial and clerical error occurred. According to FCC Order (FCC 11-60), ministerial

and clerical errors are defined as follows: "The applicant can amend its forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error." After reviewing the documentation provided, USAC has determined the the request is not an allowable correction. Your request failed to supply the documentation that was used at the time of filing the FCC Form 471 that supports the fact that the entities Elm City Middle School, Fike High School, and Vinson-Bynum Elem School, were not intended to receive services. Therefore, your appeal request is denied.

- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. *See* www.usac.org/sl.
- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for Telecommunications Services and Internet Access. *See* 47 C.F.R. sec. 54.507(g)(1)(i). FCC rules further require that requests for Internal Connections be given second priority and be funded only if funds remain after support has been reserved for Telecommunications and Internet Access through all discount levels in a funding year. *See* 47 C.F.R. sec. 54.507(g)(1)(ii). For schools and libraries that create consortia for the purposes of making funding requests and sharing products and/or services, the discount level is calculated by averaging the applicable discounts of the schools and libraries that are members of the consortia. *See* 47 C.F.R. sec. 54.505(b)(4). Because discount levels for consortia are determined in this manner, the discount levels for shared products and/or services requests are single discount level percentages rather than the broad discount level percentages for individual schools and libraries as determined by the matrix. *See* Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, Fifth Order on Reconsideration in CC Docket No. 97-21, Eleventh Order on Reconsideration in CC Docket No. 96-45 and Further Notice of Proposed Rulemaking, 14 FCC Rcd 6033, FCC 99-49 (rel. May 28, 1999). Where demand for discounts for Internal Connections exceeds available support, FCC Rules require that funding be allocated to the most economically disadvantaged schools and libraries as determined by the matrix. *See* 47 C.F.R. secs. 54.505(c), 54.507(g)(1)(ii). Consequently, where demand for discounts for Internal Connections exceeds available support, FCC rules require that funding be awarded first to applicants eligible for a 90 percent discount level

and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. sec. 54.507(g)(1)(iii).

- Your appeal requests additional funds that were not included in the FCC Form 471 that you are appealing. FCC rules require that funding requests must be submitted via an FCC Form 471. *See* 47 C.F.R. sec. 54.504(a). Considerations for funding requests depend on the date the FCC Form 471 is received and the amount of funds available if it is received after the close of the filing window. *See* 47 C.F.R. sec. 54.507(g)(1)(i)-(v). The FCC directed USAC to allow applicants to amend their forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* In the Matter of Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, 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 received or postmarked within 60 days of the 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.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

August 28, 2012

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

This letter of appeal is filed on behalf of:

Wilson County School District
BEN 126912

by:

John W. Hughes
Contracted Consultant for Alexander County School District
New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516
jhughes@newhopetech.org
(919)968-4332

and is an appeal of a FCDL for 471 Application 829164 dated August 13, 2012 for:

FRN 2372018
Tiber Creek Consulting, Inc.
SPIN 143031784
\$98,560.00 Pre Discount Amount

and:

FRN 2372034
Dell Marketing LP
SPIN 143004340
\$40,834.05 Pre Discount Amount

and:

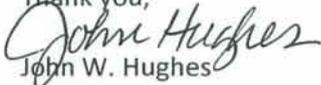
FRN 2372044
CenturyLink Carolina Telephone and Telegraph Co.
SPIN 143001484
\$693,549.18 Pre Discount Amount

and:

FRN 2372056
Tiber Creek Consulting, Inc.
SPIN 143031784
\$216,139.93 Pre Discount Amount

On August 1, 2012 we filed a RAL for this application (attached) and received a receipt confirmation email (attached) from the SLD on August 1, 2012. USAC guidance on the submission of RAL's found on the SLD website at <http://www.universalservice.org/sl/applicants/step02/clerkal-errors.aspx> states that an example of a correctable mistake is "Adding or removing entities accidentally omitted or included in FCC Form 471 Block 4". Such was the case in this application. On August 13, 2012 we received a FCDL (attached) for this application stating that the FRN's had been denied as "the funding cap will not provide for Internal Connections at your approved discount level to be funded". The guidance found at <http://www.universalservice.org/sl/applicants/step02/clerkal-errors.aspx> further states that "USAC will accept and process (M&C) requests until an FCDL is issued". Our request of August 1, 2012 was submitted and received by USAC prior to the issuance of the FCDL but never processed. We respectfully ask that the FCDL denial be withdrawn and our request be processed according to USAC guidance.

Thank you,



John W. Hughes

For Wilson County School District

Sharie Montgomery

From: Sharie Montgomery
Sent: Wednesday, August 29, 2012 4:44 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 22-407593 Received
Attachments: 2012 Wilson Co. appeal.pdf

Please see attached appeal.

Sharie Montgomery
 New Hope Foundation
 919.968.4332 office
 919.929.9074 fax

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Wednesday, August 29, 2012 4:34 PM
To: Sharie Montgomery
Subject: SLD Inquiry #: 22-407593 Received

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

The case number for your submission is 22-407593.

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. 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]=Sharie [LastName]=Montgomery [JobTitle]=Consultant [EmailAddress]=smontgomery@newhopetech.org [WorkPhone]=9199684332 [FaxPhone]=9199299074 [PreviousCaseNumber]=0 [FormType]=Appeal [Owner]=APPEALS [DateSubmitted]=8/29/2012 4:33:38 PM [AttachmentFlag]=Y[FRN]=2372018 [FormType]=FCDL [ApplicationNumber]=829164 [Question2]=We are appealing the denial of all FRN's in the above application. Please see attachments for details.

8/29/2012

Exhibit 4



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

August 13, 2012

John Hughes
WILSON COUNTY SCHOOL DISTRICT
1 Valentine Lane
Chapel Hill, NC 27516

Re: Form 471 Application Number: 829164
Billed Entity Number (BEN): 126912
Billed Entity FCC RN: 0011811783
Applicant's Form Identifier: 2012 P2

Thank you for your Funding Year 2012 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$923,193.18 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

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

If you wish to appeal a decision in this letter to USAC, 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 name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 829164 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2012," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

SE00131180

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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the 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 USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC 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

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of 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.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Billed Entity Name: WILSON COUNTY SCHOOL DISTRICT

BEN: 126912

Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 829164
Funding Request Number: 2372018
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 311450000985575
SPIN: 143031784
Service Provider Name: Tiber Creek Consulting, Inc.
Contract Number: N/A
Billing Account Number: 252-399-7870
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2012
Service End Date: N/A
Contract Award Date: 03/16/2012
Contract Expiration Date: 09/30/2013
Shared Worksheet Number: 1399351
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$98,560.00
Pre-discount Amount: \$98,560.00
Discount Percentage Approved by the USAC: 88%
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: DR: Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded. Please see <http://www.universalservice.org/sl> for further details.

FCDL Date: 08/13/2012

Wave Number: 006

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013

Consultant Name: New Hope Technology Foundation

Consultant Number (CRN): 16054699

Consultant Employer: New Hope Technology Foundation

FUNDING COMMITMENT REPORT

Billed Entity Name: WILSON COUNTY SCHOOL DISTRICT

BEN: 126912

Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 829164

Funding Request Number: 2372034

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 311450000985575

SPIN: 143004340

Service Provider Name: Dell Marketing LP

Contract Number: N/A

Billing Account Number: 252-399-7870

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2012

Service End Date: N/A

Contract Award Date: 03/16/2012

Contract Expiration Date: 09/30/2013

Shared Worksheet Number: 1399351

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$40,834.05

Pre-discount Amount: \$40,834.05

Discount Percentage Approved by the USAC: 88%

Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded

Funding Commitment Decision Explanation: DR: Given Program demand, the funding cap

will not provide for Internal Connections and/or Basic Maintenance of Internal

Connections at your approved discount level to be funded. Please see

<http://www.universalservice.org/sl> for further details.

FCDL Date: 08/13/2012

Wave Number: 006

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013

Consultant Name: New Hope Technology Foundation

Consultant Number (CRN): 16054699

Consultant Employer: New Hope Technology Foundation

FUNDING COMMITMENT REPORT

Billed Entity Name: WILSON COUNTY SCHOOL DISTRICT
BEN: 126912
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 829164
Funding Request Number: 2372044
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 311450000985575
SPIN: 143001484
Service Provider Name: CenturyLink Carolina Telephone and Telegraph Co FKA Embarq
Contract Number: N/A
Billing Account Number: 252-399-7870
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2012
Service End Date: N/A
Contract Award Date: 03/16/2012
Contract Expiration Date: 09/30/2013
Shared Worksheet Number: 1399351
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$693,549.18
Pre-discount Amount: \$693,549.18
Discount Percentage Approved by the USAC: 88%
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: DR: Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded. Please see <http://www.universalservice.org/sl> for further details.

FCDL Date: 08/13/2012
Wave Number: 006
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name: New Hope Technology Foundation
Consultant Number (CRN): 16054699
Consultant Employer: New Hope Technology Foundation

FUNDING COMMITMENT REPORT

Billed Entity Name: WILSON COUNTY SCHOOL DISTRICT

BEN: 126912

Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 829164

Funding Request Number: 2372056

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 311450000985575

SPIN: 143031784

Service Provider Name: Tiber Creek Consulting, Inc.

Contract Number: N/A

Billing Account Number: 252-399-7870

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2012

Service End Date: N/A

Contract Award Date: 03/16/2012

Contract Expiration Date: 09/30/2013

Shared Worksheet Number: 1399351

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$216,139.93

Pre-discount Amount: \$216,139.93

Discount Percentage Approved by the USAC: 88%

Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded

Funding Commitment Decision Explanation: DR: Given Program demand, the funding cap

will not provide for Internal Connections and/or Basic Maintenance of Internal

Connections at your approved discount level to be funded. Please see

<http://www.universalservice.org/sl> for further details.

FCDL Date: 08/13/2012

Wave Number: 006

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013

Consultant Name: New Hope Technology Foundation

Consultant Number (CRN): 16054699

Consultant Employer: New Hope Technology Foundation

Exhibit 5

John Hughes

From: John Hughes
Sent: Wednesday, August 01, 2012 4:37 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 22-397887 Received
Attachments: RAL for App 829164 Wilson.pdf

John Hughes
O - (919)968-4332
M - (919)593-2841
F - (919)929-9074

Go Heels!

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Wednesday, August 01, 2012 4:34 PM
To: John Hughes
Subject: SLD Inquiry #: 22-397887 Received

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

The case number for your submission is 22-397887.

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. 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]=John [LastName]=Hughes [JobTitle]=Consultant [EmailAddress]=jhughes@vistatm.com [WorkPhone]=9199684332 [FaxPhone]=9199299074 [PreviousCaseNumber]=0 [FormType]=Other [Owner]=TCSB [DateSubmitted]=8/1/2012 4:33:01 PM [AttachmentFlag]=Y[Question2]=Pls see attached RAL for 471 # 829164 Wilson

12/21/2012

Form 471 829164 RAL Funding Requests Report

THIS REPORT DOES NOT CONTAIN ANY DECISIONS CONCERNING YOUR REQUESTS FOR DISCOUNTS.
USE THIS REPORT TO LIST OR INDICATE CORRECTIONS YOU WISH TO MAKE TO YOUR FORM 471.

Follow the guidance posted on the Form 471 RAL page on our website to make allowable corrections. All corrections - including corrections to new fields - are subject to review for Program compliance and approval.

Corrections Submitted by:

Signature: J. Hughes Date: 7/20/2012

Printed Name: John Hughes

Title: Consultant

Email, Fax Number or Phone Number: jhughes@newhopetech.org
919.968.4332 (O) 919.929.9074 (F)

Item Data Entered on FCC Form 471 Make Corrections Here

| | | |
|--|-------------------------------|-------------------------|
| 1a. Name of Billed Entity | WILSON COUNTY SCHOOL DISTRICT | Corrections not allowed |
| 3. Billed Entity Number | 126912 | Corrections not allowed |
| 6. Contact Person's Name | John Hughes | |
| 6. Preferred mode of contact | Email | |
| 6c. Contact Phone | 919-968-4332 | |
| 6d. Contact Fax | 919-929-9074 | |
| 6e. Email | jhughes@newhopetech.org | |
| 6f. Holiday/vacation/summercontact information - if provided | | |

| | |
|---------------------|--------------------------------|
| 6g. Consultant Name | New Hope Technology Foundation |
| Consultant Number | 16054699 |
| Consultant Employer | New Hope Technology Foundation |

The Billed Entity name, address, phone and fax numbers cannot be changed via the RAL correction process.

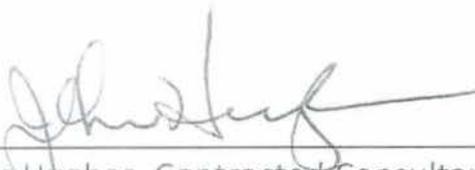
Please remove the following Entities that we accidentally included in our application due to a clerical error:

| | | |
|-----------------|-----------------|-------|
| Application # | 829164 | |
| Worksheet # | 1399351 | |
| Entity Name & # | Elm City MS | 28619 |
| | Fike HS | 28748 |
| | Vinson-Bynum ES | 28751 |

Applicant Name Wilson County Schools

Applicant BEN # 126912

Respectively Submitted by



John Hughes, Contracted Consultant
New Hope Foundation
jhughes@newhopetech.org
(919)968-4334

**Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display**

Block 1 **Block 2 & 3** **Block 4** **Block 5** **Block 6** **Misc**

471 Application No: 829164 Funding Year: 7/1/2012 - 6/30/2013 Cert. Postmark Date: 03/19/2012
 Form Status: CERTIFIED - In Window RAL Date: 03/27/2012
 Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 1399351 Student Count: 9238
 Weighted Product (Sum. Column 8): 8106 Shared Discount: 88%

- ✓ 1. Name of School: B O BARNES ELEMENTARY SCHOOL
- 2. Entity Number: 28759 NCES: 37 05020 01992
 New School Construction: N Administrative Entity N
- 3. Urban or Rural: Rural
- 4. Total # of Students : 485 5. # of Students Eligible for NSLP: 426
- 6. %Students Eligible for NSLP (#5 / #4): 87.835%
- 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 436.5
- 9. Entity Sub-Type: 10. Alt. Disc. Mech: N

- ✓ 1. Name of School: DARDEN MIDDLE SCHOOL
- 2. Entity Number: 28752 NCES: 37 05020 02061
 New School Construction: N Administrative Entity N
- 3. Urban or Rural: Rural
- 4. Total # of Students : 367 5. # of Students Eligible for NSLP: 343
- 6. %Students Eligible for NSLP (#5 / #4): 93.460%
- 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 330.3
- 9. Entity Sub-Type: 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: E T BEDDINGFIELD HIGH SCHOOL
- 2. Entity Number: 28756 NCES: 37 05020 01994
 New School Construction: N Administrative Entity N
- 3. Urban or Rural: Rural
- 4. Total # of Students : 880 5. # of Students Eligible for NSLP: 717
- 6. %Students Eligible for NSLP (#5 / #4): 81.477%
- 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 792
- 9. Entity Sub-Type: 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: ELM CITY ELEMENTARY SCHOOL
- 2. Entity Number: 28609 NCES: 37 05020 01995
 New School Construction: N Administrative Entity N
- 3. Urban or Rural: Rural
- 4. Total # of Students : 346 5. # of Students Eligible for NSLP: 297
- 6. %Students Eligible for NSLP (#5 / #4): 85.838%
- 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 311.4
- 9. Entity Sub-Type: 10. Alt. Disc. Mech: Y

- ~~1. Name of School: ELM CITY MIDDLE SCHOOL~~
- ~~2. Entity Number: 28610 NCES: 37 05020 01996~~
- ~~New School Construction: N Administrative Entity N~~
- ~~3. Urban or Rural: Rural~~

4. Total # of Students : 468
 5. # of Students Eligible for NSLP: 257
 6. %Students Eligible for NSLP (#5 / #4): 54.914%
 7. Discount % from Discount Matrix: 80%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 374.4
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

1. Name of School: FIKE HIGH SCHOOL
 2. Entity Number: 28748
 New School Construction: N
 NCES: 37 05020 01998
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 1151
 5. # of Students Eligible for NSLP: 655
 6. %Students Eligible for NSLP (#5 / #4): 56.907%
 7. Discount % from Discount Matrix: 80%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 920.8
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

✓ 1. Name of School: FOREST HILLS MIDDLE SCHOOL
 2. Entity Number: 28765
 New School Construction: N
 NCES: 37 05020 02191
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 640
 5. # of Students Eligible for NSLP: 488
 6. %Students Eligible for NSLP (#5 / #4): 76.250%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 576
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

✓ 1. Name of School: GARDNERS ELEMENTARY SCHOOL
 2. Entity Number: 28608
 New School Construction: N
 NCES: 37 05020 01999
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 314
 5. # of Students Eligible for NSLP: 252
 6. %Students Eligible for NSLP (#5 / #4): 80.254%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 282.6
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

✓ 1. Name of School: LEE WOODARD ELEMENTARY SCHOOL
 2. Entity Number: 28601
 New School Construction: N
 NCES: 37 05020 02001
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 246
 5. # of Students Eligible for NSLP: 185
 6. %Students Eligible for NSLP (#5 / #4): 75.203%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 221.4
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

✓ 1. Name of School: LUCAMA-ELEMENTARY SCHOOL
 2. Entity Number: 28654
 New School Construction: N
 NCES: 37 05020 0220
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 406
 5. # of Students Eligible for NSLP: 320
 6. %Students Eligible for NSLP (#5 / #4): 78.817%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 365.4
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

✓ 1. Name of School: MARGARET HEARNE ELEM SCHOOL
 2. Entity Number: 28746
 New School Construction: N
 NCES: 37 05020 02003
 Administrative Entity N

3. Urban or Rural: Rural
 4. Total # of Students : 536
 5. # of Students Eligible for NSLP: 479
 6. %Students Eligible for NSLP (#5 / #4): 89.365%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 482.4
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: N

- ✓ 1. Name of School: MILTON DANIELS ADVANCEMENT CENTER
 2. Entity Number: 224028
 NCES: 37 05020 02423
 New School Construction: N
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 84
 5. # of Students Eligible for NSLP: 76
 6. %Students Eligible for NSLP (#5 / #4): 90.476%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 75.6
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: ROCK RIDGE ELEMENTARY SCHOOL
 2. Entity Number: 28757
 NCES: 37 05020 02005
 New School Construction: N
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 381
 5. # of Students Eligible for NSLP: 372
 6. %Students Eligible for NSLP (#5 / #4): 97.637%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 342.9
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: SPEIGHT MIDDLE SCHOOL
 2. Entity Number: 28758
 NCES: 37 05020 02007
 New School Construction: N
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 422
 5. # of Students Eligible for NSLP: 341
 6. %Students Eligible for NSLP (#5 / #4): 80.805%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 379.8
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: SPRINGFIELD MIDDLE SCHOOL
 2. Entity Number: 28655
 NCES: 37 05020 02008
 New School Construction: N
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 480
 5. # of Students Eligible for NSLP: 363
 6. %Students Eligible for NSLP (#5 / #4): 75.625%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 432
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

- ✓ 1. Name of School: STANTONSBURG ELEMENTARY SCHOOL
 2. Entity Number: 28714
 NCES: 37 05020 02009
 New School Construction: N
 Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 287
 5. # of Students Eligible for NSLP: 226
 6. %Students Eligible for NSLP (#5 / #4): 78.745%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 258.3
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

1. Name of School: TOISNOT MIDDLE SCHOOL
 2. Entity Number: 28749
 NCES: 37 05020 02200

✓ New School Construction: N Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 508 5. # of Students Eligible for NSLP: 386
 6. %Students Eligible for NSLP (#5 / #4): 75.984%
 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 457.2
 9. Entity Sub-Type: 10. Alt. Disc. Mech: Y

1. Name of School: VICK ELEMENTARY SCHOOL
 2. Entity Number: 16023148 NCES: 37 05020 02564
 New School Construction: N Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 376 5. # of Students Eligible for NSLP: 370
 6. %Students Eligible for NSLP (#5 / #4): 98.404%
 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 338.4
 9. Entity Sub-Type: 10. Alt. Disc. Mech: N

~~1. Name of School: VINSON-BYNUM ELEM SCHOOL~~
~~2. Entity Number: 28751 NCES: 37 05020 02010~~
~~New School Construction: N Administrative Entity N~~
~~3. Urban or Rural: Rural~~
~~4. Total # of Students : 463 5. # of Students Eligible for NSLP: 288~~
~~6. %Students Eligible for NSLP (#5 / #4): 62.203%~~
~~7. Discount % from Discount Matrix: 80% 8. Weighted Product for Calculating Share Discount (#4 * #7): 378.4~~
~~9. Entity Sub-Type: 10. Alt. Disc. Mech: Y~~

1. Name of School: WILSON COUNTY OPERATIONS
 2. Entity Number: 16023640 NCES: 37 05020 000
 New School Construction: N Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 0 5. # of Students Eligible for NSLP: 0
 6. %Students Eligible for NSLP (#5 / #4):
 7. Discount % from Discount Matrix: 84% 8. Weighted Product for Calculating Share Discount (#4 * #7): 0
 9. Entity Sub-Type: 10. Alt. Disc. Mech: N

✓ 1. Name of School: WINSTEAD ELEMENTARY SCHOOL
 2. Entity Number: 28753 NCES: 37 05020 02012
 New School Construction: N Administrative Entity N
 3. Urban or Rural: Rural
 4. Total # of Students : 398 5. # of Students Eligible for NSLP: 344
 6. %Students Eligible for NSLP (#5 / #4): 86.432%
 7. Discount % from Discount Matrix: 90% 8. Weighted Product for Calculating Share Discount (#4 * #7): 358.2
 9. Entity Sub-Type: 10. Alt. Disc. Mech: N

[Previous](#)

[Display Entire Application](#)