

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

_____	)	
In the Matter of	)	
	)	CC Docket No. 02-6
Request for Review of Decision of the	)	
Universal Service Administrator	)	FCC Form 471 Application #: 849905
	)	
Halifax County School District	)	FRNs 2309475 (FY 2012)
Virginia	)	
	)	
	)	
_____	)	
_____	)	

To: Chief, Wireline Competition Bureau

**SUPPLEMENT TO REQUEST FOR REVIEW**

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Dated: January 21, 2013

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## SUMMARY

This Supplement is a replacement for a Supplement dated January 14, 2012 and withdrawn on January 16, 2013.

This Supplement is made to a Request for Review (“Request”) filed on December 21, 2012 by the Halifax County School District (the “District” or “Halifax 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.

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To: Chief, Wireline Competition Bureau

**SUPPLEMENT TO REQUEST FOR REVIEW**

Halifax County School District (the “District” or “Halifax 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”).<sup>1</sup> Therein, the District sought review of USAC’s denial of the District’s appeal (“Appeal”) for Funding Years (“FY”) 2012.

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<sup>1</sup> 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 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.”<sup>2</sup> 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 reviewing the documentation [you] provided, it was determined that your 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 [two entities].....were not intended to receive services. Therefore, your appeal request is denied.” The District respectfully disagrees with the justification for the Denial and Request 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 5,800 students in grades kindergarten through twelfth grade. Halifax County’s student population has decreased by 30% in the past 10 years. The District enjoys strong community support through funding for its schools, partnerships with business and

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<sup>2</sup> 47 C.F.R. § 54.719(c).

faith based organizations, and substantial parental involvement. Student achievement ranks among the top tier of all Virginia school districts. The District has numerous Nationally Board Certified teachers. Diversity in the District is evidenced by the over 10 languages spoken by students and their families. In order to meet its mission, the District continually updates 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 reviewing the documentation [you] provided, it was determined that your 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 [two entities].....were not intended to receive services. Therefore, your appeal request 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).

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 discount 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 discount 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 # 849905 for Priority 2 services the District made an error in completing the form. Two entities were entered into Block 4, Worksheet 1441616, which

should not have been included. None of these entities were 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 were not due to 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, 2011). USAC can process Request 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 Request until an FCDL is issued.”

The District notified USAC on August 1, 2012 of the error in Block 4 of application 849905 and requested that the two 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 21 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 7, 2012 (see Exhibit 6). In the clarification request the reviewer requested the following:

“please provide a copy of the source documentation used to prepare your FCC Form 471 indicating the entities that were schedule to receive the requested services on FRN 2309475. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional services to the entities in question, vendor quotes citing locations where products will be installed, RFP’s, etc.”

The District provided copies of the Block 4 input documents in the form of the aforementioned discount spreadsheets that the district used to complete Block 4, Worksheet 1441616. These spreadsheets clearly demonstrate that the two entities in question were not intended to be included in Worksheet 1441616. The District did not provide vendor quotes or contracts as those documents did not detail the individual entities that were to receive service. It should be pointed out that there is no USAC requirement that quotes and contracts detail the entities that will receive service. Quotes and contracts are most commonplace between the service provider and the applicant (i.e. the District) and not the individual entities. In any event the contracts and quotes were not the controlling documents used in the preparation of Block 4, Worksheet

1441616, but rather the spreadsheets prepared by the District (See Exhibit 7) were the documents used to prepare the Worksheet.

#### 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.<sup>3</sup> USAC is not empowered to make policy, interpret any unclear rule promulgated by the Commission,<sup>4</sup> or to create the equivalent of new guidelines.<sup>5</sup> USAC is responsible for "administering the universal support mechanisms in an efficient, effective, and competitively neutral manner."<sup>6</sup> The Commission's review of the Decision Letter is *de novo*, without being bound by any findings of USAC.<sup>7</sup>

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.<sup>8</sup>

- Compliance with ministerial and clerical error standards must be measured "as they existed at [the] time" of the alleged violation.<sup>9</sup>

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<sup>3</sup> 47 C.F.R. § 54.702(c).

<sup>4</sup> *Id.*

<sup>5</sup> *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).

<sup>6</sup> 47 C.F.R. § 54.701(a).

<sup>7</sup> 47 C.F.R. § 54.723.

<sup>8</sup> *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).

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

- 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.”<sup>11</sup>

- 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.<sup>12</sup>

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 two entities 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

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<sup>9</sup> 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).

<sup>10</sup> See *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).

<sup>11</sup> *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).

<sup>12</sup> *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*”).

admonitions that applicants should have the opportunity to correct their mistakes and that USAC must explain its actions.

## 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 Halifax County as follows: did not respond to the reviewers request to provide documentation

### 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** – “On August 1, 2012, Halifax County School District requested to correct a ministerial and clerical error by the removal of [two entities] from Block 4 Worksheet No: 1441616. During the appeal review process, Halifax County School District was asked to confirm their request to remove [the two entities] from Block 4, 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, it was 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 [two entities] were not intended to receive services. Therefore, your appeal request 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.

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 # 849905 Worksheet No: 1441616 for Priority 2 services, the District made an error in completing the form. The two entities in question were not deleted from Block 4 of the Priority 2 application when the upload was done from the Priority 1

application. Neither of these entities was 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 were not due to a clerical error.

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 Did not Provide Requested Documentation**

**Denial Letter Assertion** – “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 [two entities] were not intended to receive services.”.

**The District’s Response** – The District respectfully submits that this assertion is simply incorrect. The documentation used to prepare the FCC Form 470 Block 4 Worksheet No: 1441616 was supplied as a part of the appeal review response on October 7, 2012 (See Exhibit 6).

**C. 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."<sup>13</sup> 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."<sup>14</sup> Pursuant to that authority, USAC developed procedures relating to the application and appeals process.<sup>15</sup> Thus, in *Bishop Perry*, the Commission applied the 47 C.F.R. § 1.3 waiver rule to allow a limited waiver of USAC procedures.<sup>16</sup>

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.<sup>17</sup>

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<sup>13</sup> 47 C.F.R. § 1.3.

<sup>14</sup> *Bishop Perry Order*, ¶4.

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

<sup>16</sup> *Id.*

<sup>17</sup> *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.”<sup>18</sup> 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.”<sup>19</sup> Many of the appeals in *Bishop Perry* involved staff mistakes or mistakes made as a result of staff not being available.<sup>20</sup> 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.<sup>21</sup>

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<sup>18</sup> *Bishop Perry Order*, ¶1.

<sup>19</sup> *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.*

<sup>20</sup> *Id.*, ¶13.

<sup>21</sup> *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.”<sup>22</sup> 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.”<sup>23</sup> 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.<sup>24</sup>

#### **VIII. CONCLUSION AND REQUEST FOR RELIEF**

First, the District Request the Commission to make a finding that the District did in fact supply the requested documentation and that USAC then failed to properly apply its ministerial and clerical guidance rules and based on the evidence submitted, there has been no rule violation.

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<sup>22</sup> *Id.*, ¶23.

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

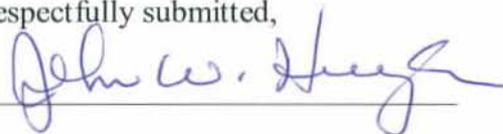
<sup>24</sup> Where there is no evidence of any intent to defraud or misuse the funds of the E-Rate program and in such circumstances, when combined with the other factual circumstances, there is not grounds to justify the harsh penalty of a denial of these funds. *See generally Request for Waiver of 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).

The District respectfully requests that the Commission grant this the Request and direct USAC to approve the 471 application within 30 days.

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,



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Dated: January 21, 2013

## CERTIFICATE OF SERVICE

I, John W. Hughes, certify on this 21st day of January, 2013, a copy of the foregoing Supplement to Request for Review has been served via electronic mail or first class mail, postage pre-paid, to the following:

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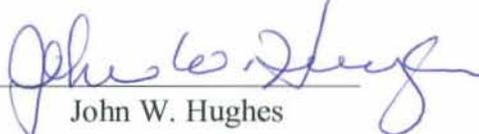
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Sharon Gillette  
Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
[Sharon.Gillette@fcc.gov](mailto:Sharon.Gillette@fcc.gov)

Trent Harkrader  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
[Trent.Harkrader@fcc.gov](mailto:Trent.Harkrader@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](mailto:appeals@sl.universalservice.org)

  
John W. Hughes

# Exhibit 1

Exhibit 1

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**

<b>Applicant Name:</b>	Halifax County School District
<b>Billed Entity Number:</b>	126641
<b>Funding Year</b>	2012
<b>Form 471 App. Number:</b>	849905
<b>Funding Request Numbers:</b>	2309475

Dear Ms. Dortch:

Halifax County School District of Halifax County, Virginia ("Halifax County" or "District"), acting through counsel and pursuant to Sections 54.719-54.721 of the Commission's rules<sup>1</sup>, 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.<sup>2</sup>

More specifically, on October 22, 2012, USAC's Schools and Libraries Division ("SLD") issued a decision denying an appeal filed by Halifax County with USAC. In its decision on appeal USAC held that its previously-issued determination to deny funds<sup>3</sup> was justified based on findings that the District failed to properly provide sufficient evidence that the applicant made a clerical and ministerial error in the preparation of its FCC Form 471. Specifically the decision stated that the

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<sup>1</sup> 47 C.F.R. §§ 54.719-54.721.

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

<sup>3</sup> Funding Commitment Decision Letter, August 13, 2012 ("FCDL").

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

documentation provided by District to support the fact that a clerical and ministerial error was made at the time of the preparation of the applicant's FCC Form 471 does not support the requested change and that the District "failed to supply the documentation that was used at the time of filing the FCC Form 471." therefore the request to remove entities from the Block 4 of the FCC Form 471 was denied.

We respectively disagree with this decision. We responded upon the request of USAC reviewers on October 7, 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.

Halifax 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.

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

Respectfully submitted,



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

# Exhibit 2



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

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

October 22, 2012

John Hughes  
Halifax County School District  
One Valentine Lane  
Chapel Hill, NC 27516

Re: Applicant Name: HALIFAX COUNTY SCHOOL DISTRICT  
Billed Entity Number: 126641  
Form 471 Application Number: 849905  
Funding Request Number(s): 2309475  
Your Correspondence Dated: August 28, 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): 2309475  
Decision on Appeal: **Denied**  
Explanation:

- According to our records, a Form 471 Receipt Acknowledgment Letter (RAL) was sent to Halifax 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, Halifax County School District requested to correct a ministerial or clerical error by the removal of Cluster Springs E2 BEN: 16042536; and Cluster Springs Early Learning Center BEN: 26568 from Block 4 Worksheet No.: 1441616. During the appeal review process, Halifax County School District was asked to confirm their request to remove Cluster Springs E2; and Cluster Springs Early Learning Center, from Block 4, 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, it was determined that your 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 Cluster Springs E2; and Cluster Springs Early Learning Center, 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](http://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

# Exhibit 3

Exhibit 3

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:

Halifax County School District  
BEN 126641

by:

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

and is an appeal of a FCDL for 471 Application 849905 dated August 13, 2012 for:

FRN 2309475  
ABS Technology Architects  
SPIN 143022950  
\$75,000.00 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/clerical-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/clerical-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 Halifax County School District

**Sharie Montgomery**

---

**From:** Sharie Montgomery  
**Sent:** Wednesday, August 29, 2012 4:51 PM  
**To:** 'sldcaseattachments@sl.universalservice.org'  
**Subject:** RE: SLD Inquiry #: 22-407603 Received

**Attachments:** 2012 Halifax Co. appeal.pdf

Please see the 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 4:50 PM  
**To:** Sharie Montgomery  
**Subject:** SLD Inquiry #: 22-407603 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 22-407603.

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](http://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 4:47:44 PM [AttachmentFlag]=Y[FRN]=2309475 [FormType]=FCDL [ApplicationNumber]=849905 [Question2]=We are appealing the denial of all FRN's in the above application. Please see attachments for details.*

8/29/2012

# Exhibit 4

Exhibit 4



Universal Service Administrative Company

Schools and Libraries Division

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

August 13, 2012

John Hughes  
HALIFAX COUNTY SCHOOL DISTRICT  
One Valentine Lane  
Chapel Hill, NC 27516

Re: Form 471 Application Number: 849905  
Billed Entity Number (BEN): 126641  
Billed Entity FCC RN: 0013518667  
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, \$66,750.00 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 849905 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](http://www.usac.org/sl)

5005/SL/12

8 10 2 012

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](mailto: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: HALIFAX COUNTY SCHOOL DISTRICT  
BEN: 126641  
Funding Year: 2012

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

Form 471 Application Number: 849905  
Funding Request Number: 2309475  
Funding Status: Not Funded  
Category of Service: Basic Maintenance of Internal Connections  
Form 470 Application Number: 855540000984512  
SPIN: 143022950  
Service Provider Name: ABS Technology Architects  
Contract Number: N/A  
Billing Account Number: 910-763-5431  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 03/01/2012  
Contract Expiration Date: 06/30/2013  
Shared Worksheet Number: 1441616  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$75,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$75,000.00  
Discount Percentage Approved by the USAC: 89%  
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

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

Application #	849905	
Worksheet #	1441616	
Entity Name & #	Cluster Spring ES	16042536
	Cluster Spring Early Learning	26568
Applicant Name	Halifax County Schools	
Applicant BEN #	126641	

Respectively Submitted by



John Hughes, Contracted Consultant  
New Hope Foundation  
[jhughes@newhopetech.org](mailto: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: 849905  
Form Status: CERTIFIED - In Window  
Out of Window Letter Date: Not applicable

Funding Year: 7/1/2012 - 6/30/2013  
RAL Date: 03/13/2012

Cert. Postmark Date: 03/05/2012

Block 4: Worksheets

Worksheet A No: 1441616      Student Count: 5700  
Weighted Product (Sum. Column 8): 5062      Shared Discount: 89%

1. Name of School: CLAYS MILL ELEMENTARY SCHOOL  
2. Entity Number: 26557      NCES: 51 01770 00710  
New School Construction: N      Administrative Entity N  
3. Urban or Rural: Rural  
4. Total # of Students : 214      5. # of Students Eligible for NSLP: 161  
6. %Students Eligible for NSLP (#5 / #4): 75.233%  
7. Discount % from Discount Matrix: 90%      8. Weighted Product for Calculating Share Discount (#4 \* #7): 192.6  
9. Entity Sub-Type:      10. Alt. Disc. Mech: Y

1. Name of School: CLUSTER SPRINGS E2  
2. Entity Number: 16042536      NCES: 51 01770 712  
New School Construction: N      Administrative Entity N  
3. Urban or Rural: Rural  
4. Total # of Students : 597      5. # of Students Eligible for NSLP: 417  
6. %Students Eligible for NSLP (#5 / #4): 69.849%  
7. Discount % from Discount Matrix: 80%      8. Weighted Product for Calculating Share Discount (#4 \* #7): 477.6  
9. Entity Sub-Type:      10. Alt. Disc. Mech: Y

1. Name of School: CLUSTER SPRINGS EARLY LEARNING CENTER  
2. Entity Number: 26568      NCES:  
New School Construction: N      Administrative Entity N  
3. Urban or Rural: Rural  
4. Total # of Students : 83      5. # of Students Eligible for NSLP: 53  
6. %Students Eligible for NSLP (#5 / #4): 63.855%  
7. Discount % from Discount Matrix: 80%      8. Weighted Product for Calculating Share Discount (#4 \* #7): 66.4  
9. Entity Sub-Type:      10. Alt. Disc. Mech: Y

1. Name of School: HALIFAX COUNTY HIGH SCHOOL  
2. Entity Number: 26561      NCES: 51 01770 1848  
New School Construction: N      Administrative Entity N  
3. Urban or Rural: Rural  
4. Total # of Students : 1666      5. # of Students Eligible for NSLP: 1394  
6. %Students Eligible for NSLP (#5 / #4): 83.673%  
7. Discount % from Discount Matrix: 90%      8. Weighted Product for Calculating Share Discount (#4 \* #7): 1499.4  
9. Entity Sub-Type:      10. Alt. Disc. Mech: Y

1. Name of School: HALIFAX COUNTY MIDDLE SCHOOL  
2. Entity Number: 26563      NCES: 51 01770 714  
New School Construction: N      Administrative Entity N  
3. Urban or Rural: Rural

4. Total # of Students : 1343  
 5. # of Students Eligible for NSLP: 1028  
 6. %Students Eligible for NSLP (#5 / #4): 76.545%  
 7. Discount % from Discount Matrix: 90%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 1208.7  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: Y

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1. Name of School: HALIFAX COUNTY SCHOOL BOARD OFFICE  
 2. Entity Number: 16032611  
 New School Construction: N  
 NCES: 51 01770 319  
 Administrative Entity Y  
 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: 89%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 0  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: N

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1. Name of School: MEADVILLE ELEMENTARY SCHOOL  
 2. Entity Number: 26544  
 New School Construction: N  
 NCES: 51 01770 716  
 Administrative Entity N  
 3. Urban or Rural: Rural  
 4. Total # of Students : 226  
 5. # of Students Eligible for NSLP: 196  
 6. %Students Eligible for NSLP (#5 / #4): 86.725%  
 7. Discount % from Discount Matrix: 90%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 203.4  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: Y

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1. Name of School: SCOTTSBURG ELEMENTARY SCHOOL  
 2. Entity Number: 26556  
 New School Construction: N  
 NCES: 51 01770 00717  
 Administrative Entity N  
 3. Urban or Rural: Rural  
 4. Total # of Students : 291  
 5. # of Students Eligible for NSLP: 239  
 6. %Students Eligible for NSLP (#5 / #4): 82.130%  
 7. Discount % from Discount Matrix: 90%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 261.9  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: Y

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1. Name of School: SINAI ELEMENTARY SCHOOL  
 2. Entity Number: 26534  
 New School Construction: N  
 NCES: 51 01770 00718  
 Administrative Entity N  
 3. Urban or Rural: Rural  
 4. Total # of Students : 282  
 5. # of Students Eligible for NSLP: 260  
 6. %Students Eligible for NSLP (#5 / #4): 92.198%  
 7. Discount % from Discount Matrix: 90%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 253.8  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: Y

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1. Name of School: SOUTH BOSTON ELEMENTARY SCHOOL  
 2. Entity Number: 16042537  
 New School Construction: N  
 NCES: 51 01770 851  
 Administrative Entity N  
 3. Urban or Rural: Rural  
 4. Total # of Students : 764  
 5. # of Students Eligible for NSLP: 580  
 6. %Students Eligible for NSLP (#5 / #4): 75.916%  
 7. Discount % from Discount Matrix: 90%  
 8. Weighted Product for Calculating Share Discount (#4 \* #7): 687.6  
 9. Entity Sub-Type:  
 10. Alt. Disc. Mech: Y

---

1. Name of School: SYDNOR JENNINGS ELEM SCHOOL  
 2. Entity Number: 26545  
 New School Construction: N  
 NCES: 51 01770 00720  
 Administrative Entity N

- 3. Urban or Rural: Rural
- 4. Total # of Students : 234
- 5. # of Students Eligible for NSLP: 187
- 6. %Students Eligible for NSLP (#5 / #4): 79.914%
- 7. Discount % from Discount Matrix: 90%
- 8. Weighted Product for Calculating Share Discount (#4 \* #7): 210.6
- 9. Entity Sub-Type:
- 10. Alt. Disc. Mech: Y

[Previous](#)

[Display Entire Application](#)

---

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---

## John Hughes

---

**From:** sldnoreply@sl.universalservice.org  
**ant:** Wednesday, August 01, 2012 6:38 PM  
**o:** John Hughes  
**Subject:** RE: Initial Contact, Case 22-397877

Thank you for your inquiry. Your RAL submission has been forwarded to the appropriate department.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,  
Schools and Libraries Division  
Universal Service Administrative Company

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

From: jhughes@vistatm.com  
Subject: Initial Contact

[FirstName]=John  
[LastName]=Hughes  
[JobTitle]=Consultant  
[EmailAddress]=jhughes@vistatm.com  
[WorkPhone]=9199684332  
[FaxPhone]=9199299074  
[PreviousCaseNumber]=0

[FormType]=Other  
[Owner]=TCSB  
[DateSubmitted]=8/1/2012 4:29:16 PM  
[AttachmentFlag]=Y[Question2]=Pls see attached RAL for 471 # 849905 Halifax

**John Hughes**

---

**From:** sldcaseattachments@sl.universalservice.org

**Sent:** Wednesday, August 01, 2012 4:30 PM

**To:** John Hughes

**Subject:** SLD Inquiry #: 22-397877 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 22-397877.

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](http://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 4:29:16 PM [AttachmentFlag]=Y[Question2]=Pls see attached RAL for 471 # 849905 Halifax*

8/1/2012

# Exhibit 6

*Exhibit 6***John Hughes**

**From:** John Hughes  
**Sent:** Sunday, October 07, 2012 10:47 PM  
**To:** 'Gornstein, David'  
**Subject:** RE: Appeal 849905 #1.1 7-Day Reminder Ltr 09-20-12  
**Attachments:** 471 Data Entry.xlsx

Our responses to your questions are below in red. Let me know if you need anything further.

*John Hughes*

*O - (919)968-4332*

*M - (919)593-2841*

*F - (919)929-9074*

*Go Heels!*

September 20, 2012

**John Hughes****Halifax County School District**

cc: **Mark Saunders**, Virginia Department of Education

Phone 919-968-4332

Fax:

Email: [jhughes@newhopetech.org](mailto:jhughes@newhopetech.org)

Application Number: **849905**

Response Due Date: **September 28, 2012**

The Program Compliance team is in the process of reviewing your appeal of Funding Year **2012** FCC Form 471 application # **849905**, to ensure that it is in compliance with the rules of the Universal Service program.

You were recently sent a written request for additional information needed by the Program Compliance team to review your FCC Form 471 application. **This is a reminder** that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

**Issue # 1**

For your FCC Form 471 Application # **849905** you are requesting the removal of the entities: Cluster Springs E2 BEN: 16042536; and Cluster Springs Early Learning Center BEN: 26568, from Worksheet A No: 1441616 for FRN 2309475.

The Item 21 you submitted does not support the entities removal. Is the original Block 4 of your FCC Form 471 correct?   Yes   or   XXXXX   No?

1. **If yes**, no further information is required and no changes will be made to your FCC Form 471.
2. **If no**, and you wish to request a change please answer the following, is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  
  XXXXX   Yes or   No  ?

- 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 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." Additional correctable errors can be found in the FCC's Order DA-2354.

10/7/2012

- If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2309475. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.
- Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request.

#### ANSWER:

The requirements for correcting a Ministerial & Clerical Error are very straightforward according to the SLD guidance found at <http://www.universalservice.org/sl/applicants/step02/clerical-errors.aspx>. They are copied in red below from the foregoing citation:

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, 2011). 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

Requests 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.

In this case we were indeed "removing (an) entit(y)ies accidentally.....included in FCC Form 471 Block 4". We also submitted the errors to USAC as soon as they were detected and before the FCDL was issued. We therefore complied with the requirements of the guidance.

Further I am providing you with the input documents that we used from which we made an error that is best described as the "kind of error that a typist might make when entering data from one list to another".

Just to be clear we created two lists of entities when we started to complete our 471's for FY 2011.....one for the Priority 1 application and one for the Priority 2 application. A copy of the two workbooks used for the FY 2012 applications contained in the file is attached (see attached "471 Data Entry.xlsx"). We entered the entities contained in the tab entitled "Priority 1 2012" when we populated Block 4 of the Priority 1 application and should have entered the entities contained in the tab entitled "Priority 2 2012" when we populated Block 4 of the Priority 2 application (application 849905 and the application in question in this review). We mistakenly uploaded the FY 2011 data instead of the FY 2012 data. We made a clerical typist error as described in the first paragraph of the guidance quoted above in red by not entering the correct list. The list in itself should suffice to prove that our assertion is correct and meets the criteria as outlined in the guidance.

In many cases, the PIA reviewer can determine whether the correction is allowable and, if so, complete the correction without requesting additional information. However when the nature of the correction is not apparent to the PIA reviewer, the PIA reviewer may request the appropriate source documentation to determine whether the correction is allowable. Source documentation is the documentation containing the information used to prepare the form (e.g., Item 21 Attachment, contract, vendor quote, NSLP data, etc.).

The fact that we have submitted the input documents that we used to populate Block 4 of the application should be adequate to conclude that we made a clerical error and should satisfy the requirement above, i.e. (e.g., Item 21 Attachment, contract, vendor quote, NSLP data, etc.).

I respectfully submit that we have satisfied all the requirements of the guidance listed at <http://www.universalservice.org/sl/applicants/step02/clerical-errors.aspx> and ask that you process our RAL as submitted.

---

It is important that we receive all of the information requested so the Program Compliance team can complete its review. Please fax or email the requested information to my attention. If you have any questions, do not understand what we are requesting, or feel that you have already responded, please feel free to contact me.

If we do not receive the requested information by the **Response Due Date** indicated above, your application will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.

Should you wish to cancel your FCC Form 471 application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

**David Gornstein**

Program Compliance, USAC Schools & Libraries Division  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.5143 | F: 973.599.6525  
[david.gornstein@sl.universalservice.org](mailto:david.gornstein@sl.universalservice.org)

10/7/2012

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**From:** Gornstein, David [mailto:David.GORNSTEIN@sl.universalservice.org]  
**Sent:** Thursday, September 20, 2012 2:18 PM  
**To:** John Hughes  
**Cc:** 'mark.saunders@doe.virginia.gov'  
**Subject:** Appeal 849905 #1.1 7-Day Reminder Ltr 09-20-12  
**Importance:** High

September 20, 2012

**John Hughes**  
**Halifax County School District**  
**cc: Mark Saunders**, Virginia Department of Education  
 Phone 919-968-4332  
 Fax:  
 Email: [jhughes@newhopetech.org](mailto:jhughes@newhopetech.org)

Application Number: **849905**

**Response Due Date: September 28, 2012**

The Program Compliance team is in the process of reviewing your appeal of Funding Year **2012** FCC Form 471 application # **849905**, to ensure that it is in compliance with the rules of the Universal Service program.

You were recently sent a written request for additional information needed by the Program Compliance team to review your FCC Form 471 application. **This is a reminder** that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

---

#### Issue # 1

For your FCC Form 471 Application # **849905** you are requesting the removal of the entities: Cluster Springs E2 BEN: 16042536; and Cluster Springs Early Learning Center BEN: 26568, from Worksheet A No: 1441616 for FRN 2309475.

The Item 21 you submitted does not support the entities removal. Is the original Block 4 of your FCC Form 471 correct?  Yes or  No?

1. **If yes**, no further information is required and no changes will be made to your FCC Form 471.
2. **If no**, and you wish to request a change please answer the following, is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  
 Yes or  No?
  - 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 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." Additional correctable errors can be found in the FCC's Order DA-2354.
  - **If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2309475.** Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.
  - Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request.

---

It is important that we receive all of the information requested so the Program Compliance team can complete its review. Please fax or email the requested information to my attention. If you have any questions, do not understand what we are requesting, or feel that you have already responded, please feel free to contact me.

10/7/2012

If we do not receive the requested information by the **Response Due Date** indicated above, your application will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.

Should you wish to cancel your FCC Form 471 application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

**David Gornstein**

Program Compliance, USAC Schools & Libraries Division  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.5143 | F: 973.599.6525  
[david.gornstein@sl.universalservice.org](mailto:david.gornstein@sl.universalservice.org)

cc: Mark Saunders  
Virginia Department of Education  
804-786-0307  
[mark.saunders@doe.virginia.gov](mailto:mark.saunders@doe.virginia.gov)

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10/7/2012

Halifax County Schools  
 Priority 1 471  
 FY 2012

School Name	BEN Enrollment	Responses	NLSP Eligible	%	Projected Discount NSLP	Survey		
Clays Mill Elementary	26557	214	201	151	75%	161	90%	Yes
Cluster Springs Early Learning Center	26568	83	77	49	64%	53	80%	Yes
Cluster Springs Elementary	16042536	597	553	386	70%	417	80%	Yes
Halifax County High School	26561	1666	1694	1417	84%	1,394	90%	Yes
Halifax County Middle School	26563	1343	1242	951	77%	1,028	90%	Yes
Meadville Elementary	26544	226	203	176	87%	196	90%	Yes
Scottsburg Elementary	26556	291	257	211	82%	239	90%	Yes
Sinai Elementary	26534	282	252	232	92%	260	90%	Yes
South Boston Elementary	16042537	764	631	479	76%	580	90%	Yes
Sydnor Jennings Elementary	26545	234	227	181	80%	187	90%	Yes
Board of Education Office	16032611	0		0		0%	89%	NIF

Halifax County Schools  
 Priority 2 471  
 FY 2012

School Name	BEN	Enrollment	Responses	NLSP Eligible	%	Projected NSLP	Discount	Survey
Clays Mill Elementary	26557	214	201	151	75%	161	90%	Yes
Halifax County High School	26561	1666	1694	1417	84%	1,394	90%	Yes
Halifax County Middle School	26563	1343	1242	951	77%	1,028	90%	Yes
Meadville Elementary	26544	226	203	176	87%	196	90%	Yes
Scottsburg Elementary	26556	291	257	211	82%	239	90%	Yes
Sinai Elementary	26534	282	252	232	92%	260	90%	Yes
South Boston Elementary	16042537	764	631	479	76%	580	90%	Yes
Sydnor Jennings Elementary	26545	234	227	181	80%	187	90%	Yes
Board of Education Office	16032611	0		0		0%	89%	NIF

**John Hughes**

---

**From:** Gornstein, David [David.GORNSTEIN@sl.universalservice.org]  
**Sent:** Monday, October 01, 2012 7:18 AM  
**To:** John Hughes  
**Subject:** RE: Appeal 829164 #1.1 7-Day Reminder Ltr 09-20-12 - Extension Approved  
**Importance:** High

**John Hughes**  
**Halifax County School District**  
Phone 919-968-4332  
Fax:  
Email: [jhughes@newhopetech.org](mailto:jhughes@newhopetech.org)

Application Number: 829164

~~Response Due Date: September 28, 2012~~

**EXTENSION APPROVED - Response Due Date: October 5, 2012**

Thank you for your written request for additional time to provide the requested information needed by the Program Compliance team to review your appeal. Your request has been approved for an additional 7 days.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested so the Program Compliance team can complete its review. Please fax or email the requested information to my attention.

**If we do not receive the requested information by October 5, 2012, your application(s) will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.** If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request (s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely

David Gornstein  
Program Compliance, USAC Schools & Libraries Division  
T: 973.581.5143 | F: 973.599.6525  
[dgornst@sl.universalservice.org](mailto:dgornst@sl.universalservice.org)

**From:** John Hughes [mailto:JHughes@newhopetech.org]  
**Sent:** Friday, September 28, 2012 1:58 PM  
**To:** Gornstein, David  
**Subject:** RE: Appeal 829164 #1.1 7-Day Reminder Ltr 09-20-12

I am going to need a one week extension on this please.

*John Hughes*  
O - (919)968-4332

1/14/2013

M - (919)593-2841  
 F - (919)929-9074

*Go Heels!*

---

**From:** Gornstein, David [mailto:David.GORNSTEIN@sl.universalservice.org]  
**Sent:** Thursday, September 20, 2012 2:00 PM  
**To:** John Hughes  
**Cc:** 'barry.pace@dpi.nc.gov'  
**Subject:** Appeal 829164 #1.1 7-Day Reminder Ltr 09-20-12  
**Importance:** High

September 20, 2012

**John Hughes**  
 Wilson County School District  
 cc: Barry Pace, NC Department of Public Instruction  
 Phone 919-968-4332  
 Fax:  
 Email: [jhughes@newhopetech.org](mailto:jhughes@newhopetech.org)

Application Number: **829164**

Response Due Date: **September 28, 2012**

The Program Compliance team is in the process of reviewing your appeal of Funding Year 2012 FCC Form 471 application # 829164, to ensure that it is in compliance with the rules of the Universal Service program.

I am currently in the process of reviewing your appeal, in order to complete my review I need some additional information, as detailed below:

---

#### Issue # 1

For your FCC Form 471 Application # **829164** you are requesting the removal of the entities: Elm City Middle School, BEN: 28610; Fike High School, BEN: 28748 and Vinson-Bynum Elem School, Ben: 28751, from Worksheet A No: 1399351 for FRNs 2372018, 2372034, 2372044 and 2372056.

The Item 21 you submitted does not support the entities removal. Is the original Block 4 of your FCC Form 471 correct?  Yes or  No?

1. If yes, no further information is required and no changes will be made to your FCC Form 471.
2. If no, and you wish to request a change please answer the following, is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  
 Response:  Yes or  No?

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 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." Additional correctable errors can be found in the FCC's Order DA-2354.

- If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2372018. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.

- If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2372034. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.
- If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2372044. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.
- If you answered yes, please provide a copy of the source documentation used to prepare your FCC Form 471 application; indicating the entities that were scheduled to receive the requested services on FRN 2372056. Examples of source documentation are contracts that cite all recipients of service, contract amendments documenting additional service to the entities in question, vendor quotes citing locations where products will be installed, RFPs, etc.
- Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested within 15 calendar days so we can complete our review. Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

**David Gornstein**

Program Compliance, USAC Schools & Libraries Division  
 30 Lanidex Plaza West | Parsippany, NJ 07054  
 T: 973.581.5143 | F: 973.599.6525  
[david.gornstein@sl.universalservice.org](mailto:david.gornstein@sl.universalservice.org)

cc: Barry Pace  
 NC Department of Public Instruction  
 828-756-0525  
[barry.pace@dpi.nc.gov](mailto:barry.pace@dpi.nc.gov)

1/14/2013

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# Exhibit 7

Halifax County Schools  
 Priority 1 471  
 FY 2012

School Name	BEN Enrollment	Responses	NLSP Eligible	%	Projected NSLP Discount	Survey		
Clays Mill Elementary	26557	214	201	151	75%	161	90%	Yes
Cluster Springs Early Learning Center	26568	83	77	49	64%	53	80%	Yes
Cluster Springs Elementary	16042536	597	553	386	70%	417	80%	Yes
Halifax County High School	26561	1666	1694	1417	84%	1,394	90%	Yes
Halifax County Middle School	26563	1343	1242	951	77%	1,028	90%	Yes
Meadville Elementary	26544	226	203	176	87%	196	90%	Yes
Scottsburg Elementary	26556	291	257	211	82%	239	90%	Yes
Sinai Elementary	26534	282	252	232	92%	260	90%	Yes
South Boston Elementary	16042537	764	631	479	76%	580	90%	Yes
Sydnor Jennings Elementary	26545	234	227	181	80%	187	90%	Yes
Board of Education Office	16032611	0		0		0%	89%	NIF

*Exhibit 7*

Halifax County Schools  
 Priority 2 471  
 FY 2012

School Name	BEN	Enrollment	Responses	NLSP Eligible	%	Projected NSLP	Discount	Survey
Clays Mill Elementary	26557	214	201	151	75%	161	90%	Yes
Halifax County High School	26561	1666	1694	1417	84%	1,394	90%	Yes
Halifax County Middle School	26563	1343	1242	951	77%	1,028	90%	Yes
Meadville Elementary	26544	226	203	176	87%	196	90%	Yes
Scottsburg Elementary	26556	291	257	211	82%	239	90%	Yes
Sinai Elementary	26534	282	252	232	92%	260	90%	Yes
South Boston Elementary	16042537	764	631	479	76%	580	90%	Yes
Sydnor Jennings Elementary	26545	234	227	181	80%	187	90%	Yes
Board of Education Office	16032611	0		0		0%	89%	NIF