

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

In the Matter of)	
)	
Request for Review of Decision of the)	CC Docket No. 02-6
Universal Service Administrator)	
)	FCC Form 471 Application #: 828034
Hickory City School District)	
North Carolina)	FRNs 2374034 & 2374045 (FY 2012)
)	
)	
)	
)	
)	

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 made to a Request for Review (“Request”) filed on December 21, 2012 by the Hickory City School District (the “District” or “Hickory City”). 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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SUPPLEMENT TO REQUEST FOR REVIEW

Hickory City School District (the “District” or “Hickory City”), 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 Year (“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 23, 2012, and 60 days thereafter would be December 22, 2012. Since the Request was filed on December 21, 2012, which is 59 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."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 "During the appeal process, we were unable to determine whether the changes that you requested fall under the above definition of a ministerial or clerical error." 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 4,300 students in grades kindergarten through twelfth grade. Hickory City County's student population has increased in the past 10 years. The District enjoys strong community support through funding for its schools, partnerships with business and faith based organizations, and substantial parental involvement. Student achievement ranks among the top 35% of all North Carolina school districts. The District has numerous Nationally Board

² 47 C.F.R. § 54.719(c).

Certified teachers. Diversity in the District is evidenced by the over 16 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 "The record shows that USAC received your Form 471 Receipt Acknowledgement Letter on August 1, 2012. You requested USAC to remove [four entities] from Block 4 Worksheet # 1487292.....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 the kinds of errors that a typist might make when entering data from one list to another, such as typing 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." During the appeal process, we were unable to determine whether the changes you requested fall under the above definition of a ministerial or clerical error. Removing entities from Block 4 that were listed in the original source document is a non-allowable correction. The Program Compliance team asked you to provide a copy of the source or supporting documentation that you used to prepare your FCC Form 471 application. Specifically, the source documentation showing the entities that were scheduled to receive services under FRNs 2374034 and 2374045. The Program Compliance team also informed you that acceptable source documentation are contracts, vendor quotes, vendor bills, invoices, RFP's, board minutes, etc. The spreadsheets that you submitted in

support of your argument do not proof [sic] that the entities listed above were accidentally included in Block 4 Worksheet # 1487292.”

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 or 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 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 # 828034 for Priority 2 services the District made a clerical error in completing the form. Four entities were included in Block 4, Worksheet 1487292, 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 the input documentation 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, 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.”

The District notified USAC on August 1, 2012 of the error in Block 4 of application 828034 and requested that the four 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 24, 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 10, 2012 (see Exhibit 6). In the clarification request the reviewer requested the following:

"please provide a copy of the source or supporting documentation used to prepare your FCC Form 471 application, if applicable, that features the correct information. Specifically, sourced documentation indicating the entities that were scheduled to receive service under FRN,.....Examples of source documentation are contracts, vendor quotes, vendor bills, invoices, RFP's, board minutes, etc."

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 1487292. These spreadsheets clearly demonstrate that the four entities in question were not intended to be included in Worksheet 1487292. It was our belief that since these spreadsheets were the only documents that were used to input the data into Block 4, they met the requirements of the examples cited above as the list of examples was not exclusive and especially since "etc." was an example. The contracts and quotes were not the controlling documents used in the preparation of Block 4, Worksheet 1487292, but rather the spreadsheets prepared by the District were the documents used to prepare the discount Worksheet.

The contracts nor quotes for FRN 2374045 (See Exhibit 8) does not list any of the entities that are to receive services as the contract is between the service provider and the District nor is there any USAC requirement for a contract or quote to list receiving entities. The quote for FRN 2374034 does in fact list each entity that is to receive service (See Exhibit 9) however it is not a USAC requirement that quotes and contracts detail the entities for which service will be provided. The RFP that was used to solicit bids does list the entities for bids were sought (See Exhibit 10). Although it is clear from these documents that the four entities should not have been included, they were not the documents used to prepare Block 4; the discount spreadsheets were those documents.

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 Requests 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 Requests 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).

- The rules governing ministerial and clerical errors do not limit proof documentation to contracts, vendor quotes, vendor bills, invoices, RFP's, or board minutes. In fact, the guidance states that "source documentation is the documentation containing the information used to prepare the form (e.g., Item 21 Attachment, contract, vendor quote, NSLP data, etc.)". In this case the source documentation was the discount spreadsheets.

- 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

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 *Requests 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").

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

VI. ARGUMENT

As previously noted, the Decision is based on the assertions that the District did not adhere to the guidance relative to the ministerial and clerical error procedures, which conclusions are discussed in detail and refuted by Hickory City 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 – “The record shows that USAC received your Form 471 Receipt Acknowledgement Letter on August 1, 2012. You requested USAC to remove [four entities] from Block 4 Worksheet # 1487292.....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 the kinds of errors that a typist might make when entering data from one list to another, such as typing 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.” During the appeal process, we were unable to determine whether the changes you requested fall under the above definition of a ministerial or clerical error. Removing entities from Block 4 that were listed in the original source document is a non-allowable correction. The Program Compliance team asked you to provide a copy of the source or supporting documentation that you used to prepare your FCC Form 471 application. Specifically, the source documentation showing the entities that were scheduled to receive services under FRNs 2374034 and 2374045. The Program Compliance team also informed you that acceptable source documentation are contracts, vendor quotes, vendor bills, invoices, RFP's, board minutes, etc. The spreadsheets that you submitted in support of your argument do not proof [sic] that the entities listed above were accidentally included in Block 4 Worksheet # 1477929.”

The District's Response – 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 or alternative survey) (See Exhibit 7).

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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.

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Allowable Corrections

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- Transposed letters and/or numbers
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- 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:
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- Adding or removing entities accidentally omitted or included in FCC Form 471 Block 4
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- Changing the amount budgeted for ineligible services (Item 25d, “necessary resources”) in FCC Form 471 Block 6
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“please provide a copy of the source or supporting documentation used to prepare your FCC Form 471 application, if applicable, that features the correct information. Specifically, sourced documentation indicating the entities that were scheduled to receive service under FRN,.....Examples of source documentation are contracts, vendor quotes, vendor bills, invoices, RFP’s, board minutes, etc.”

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The contracts nor quotes for FRN 2374045 (See Exhibit 8) does not list any of the entities that are to receive services as the contract is between the service provider and the District nor is there any USAC requirement for a contract or quote to list receiving entities. The quote for FRN 2374034 does in fact list each entity that is to receive service (See Exhibit 9) however it is not a USAC requirement that quotes and contracts detail the entities for which service will be provided. The RFP that was used to solicit bids does list the entities for bids were sought (See Exhibit 10). Although it is clear from these documents that the four entities should not have been included, they were not the documents used to prepare Block 4; the discount spreadsheets were those documents.

Clearly this error meets the standard of the “kinds of errors that a typist might make when entering data from one list to another” and is a ministerial and clerical error according to USAC guidelines and rules.

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 *Requests for Review by Richmond County School District*, 21 FCC Red 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 the District did in fact properly apply the ministerial and clerical guidance rules and based on the evidence submitted,

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).

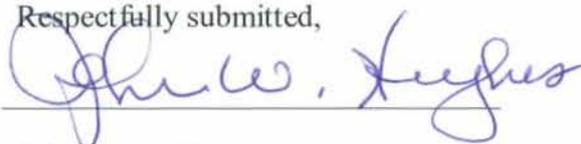
²⁴ Where there is no evidence of any intent to defraud or misuse the funds of the E-Rate program and in such circumstances, when combined with the other factual circumstances, there is not grounds to justify the harsh penalty of a denial of these funds. *See generally Request for Waiver of the Decision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

there has been no rule violation. The District respectfully requests that the Commission grant the Request and direct USAC to approve the 471 application within 30 days.

Second, in the alternative, if necessary, the Commission should waive the 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 Requests. 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
Hickory City County School
District
c/o New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516
(919) 968-4332

*Contracted Consultant & Contact
for Hickory City School District*

Dated: January 21, 2013

CERTIFICATE OF SERVICE

I, John W. Hughes, certify on this 21th 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:

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

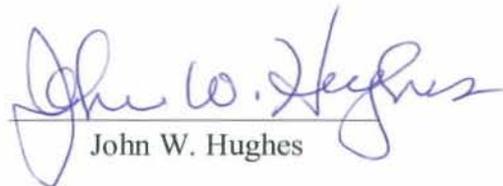
Randy Clarke
Legal Counsel to the Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Randy.Clarke@fcc.gov

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

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

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



John W. Hughes

Exhibit 1

7

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:	Hickory County School District
Billed Entity Number:	127046
Funding Year	2012
Form 471 App. Number:	828034
Funding Request Numbers:	2374034 & 2374045

Dear Ms. Dortch:

Hickory County School District of Hickory County, North Carolina ("Hickory 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 23, 2012, USAC's Schools and Libraries Division ("SLD") issued a decision denying an appeal filed by Hickory 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 evidence that the applicant made a clerical and

¹ 47 C.F.R. §§ 54.719-54.721.

² Administrator's Decision on Appeal - Funding Year 2012 - 2013, Hickory County School District (October 23, 2012), attached as Exhibit 1.

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

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

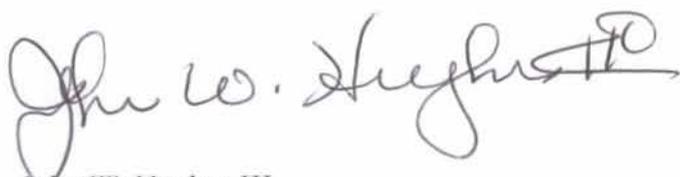
ministerial error in the preparation of its FCC Form 471. Specifically the decision stated that the documentation provided by District to support the fact that a clerical and ministerial error was made at the time of the preparation of the applicant's FCC Form 471 does not support the requested removal of four entities from Block 4 of the FCC Form 471.

We respectively disagree with this decision. We responded upon the request of USAC reviewers on October 10, 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.

Hickory County is aggrieved by USAC's October 23, 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.

Hickory 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 Hickory County School District
New Hope Foundation
One Valentine Lane
Chapel Hill, NC 2716

Exhibit 2

#2



Universal Service Administrative Company
Schools & Libraries Division

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

October 23, 2012

John W. Hughes
New Hope Foundation
One Valentine Lane
Chapel Hill, NC 27516

Re: Applicant Name: HICKORY CITY SCHOOL DISTRICT
Billed Entity Number: 127046
Form 471 Application Number: 828034
Funding Request Number(s): 2374034, 2374045
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): 2374034, 2374045
Decision on Appeal: **Denied**
Explanation:

- The record shows that USAC received your Form 471 Receipt Acknowledgment Letter on August 1, 2012. You requested USAC to remove the following entities from Block 4 Worksheet #1487292: Hickory High School, BEN 29887; Jenkins Elementary School, BEN 29898; Northview Middle School, BEN 29891 and Oakwood Elementary School, BEN 29892. 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." During the appeal process, we

were unable to determine whether the changes that you requested fall under the above definition of a ministerial or clerical error. Removing entities from Block 4 that were listed in the original source document is a non-allowable correction. The Program Compliance team asked you to provide a copy of the source or supporting documentation that you used to prepare your FCC Form 471 application. Specifically, the source documentation showing the entities that were scheduled to receive services under FRNs 2374034 and 2374045. The Program Compliance team also informed you that acceptable source documentation are contracts, vendor quotes, vendor bills, invoices, RFPs, board minutes, etc. The spreadsheets that you submitted in support of your argument do not prove that the entities listed above were accidentally included in Block 4 Worksheet # 1487292.

According to information submitted as Item 21 attachments the funds requested are for Priority-two services. For Funding Year 2012, given program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your requested discount level to be funded. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.

- 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).
- 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.

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

#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:

Hickory City School District
BEN 127046

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 828034 dated August 13, 2012 for:

FRN 2374034
Dimension Data North America, Inc.
SPIN 143007139
\$1,629,688.00 Pre Discount Amount

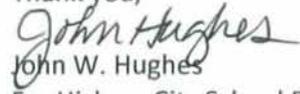
and:

FRN 2374045
CNIC, Inc.
SPIN 143024151
\$365,330.00 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/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,

Handwritten signature of John W. Hughes in cursive script.

John W. Hughes

For Hickory City School District

Sharie Montgomery

From: Sharie Montgomery
Sent: Wednesday, August 29, 2012 4:39 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 22-407589 Received
Attachments: 2012 Hickory City 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 4:31 PM
To: Sharie Montgomery
Subject: SLD Inquiry #: 22-407589 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 22-407589.

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 4:30:43 PM [AttachmentFlag]=Y[FRN]=2374034 [FormType]=FCDL [ApplicationNumber]=828034 [Question2]=We are appealing the denial of all FRN's in the above application. Please see attachments for details.

8/29/2012

Exhibit 4

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: HICKORY CITY SCHOOL DISTRICT
BEN: 127046
Funding Year: 2012

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

Form 471 Application Number: 828034
Funding Request Number: 2374045
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 820020000984715
SPIN: 143024151
Service Provider Name: CNIC, Inc.
Contract Number: N/A
Billing Account Number: 828-322-2855
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2012
Service End Date: N/A
Contract Award Date: 03/17/2012
Contract Expiration Date: 09/30/2013
Shared Worksheet Number: 1487292
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: \$365,330.00
Pre-discount Amount: \$365,330.00
Discount Percentage Approved by the USAC: 85%
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

#5

John Hughes

From: John Hughes
Sent: Wednesday, August 01, 2012 4:41 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 22-397879 Received
Attachments: RAL App 828034 Hickory.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 4:30 PM
To: John Hughes
Subject: SLD Inquiry #: 22-397879 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 22-397879.

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 4:29:56 PM [AttachmentFlag]=Y[Question2]=Pls see attached RAL for 471 # 828034 Hickory

8/1/2012

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

Application #	828034	
Worksheet #	1487292	
Entity Name & #	Hickory HS	29887
	Jenkins ES	29898
	Northview MS	29891
	Oakwood ES	29892

Applicant Name Hickory City Schools

Applicant BEN # 127046

Respectively Submitted by



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

John Hughes

From: sldnoreply@sl.universalservice.org
Content: Wednesday, August 01, 2012 6:40 PM
From: John Hughes
Subject: RE: Initial Contact, Case 22-397879

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 4:29:56 PM
[AttachmentFlag]=Y[Question2]=Pls see attached RAL for 471 # 828034 Hickory

**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: 828034
Form Status: CERTIFIED - In Window
Out of Window Letter Date: Not applicable

Funding Year: 7/1/2012 - 6/30/2013
RAL Date: 03/28/2012

Cert. Postmark Date: 03/20/2012

Block 4: Worksheets

Worksheet A No: 1487292

Student Count: 4524

Weighted Product (Sum. Column 8): 3822.8

Shared Discount: 85%

- | | |
|---|---|
| 1. Name of School: GRANDVIEW MIDDLE SCHOOL | |
| 2. Entity Number: 29904 | NCES: 37 02190 00941 |
| New School Construction: N | Administrative Entity N |
| 3. Urban or Rural: Urban | |
| 4. Total # of Students : 453 | 5. # of Students Eligible for NSLP: 353 |
| 6. %Students Eligible for NSLP (#5 / #4): 77.924% | |
| 7. Discount % from Discount Matrix: 90% | 8. Weighted Product for Calculating Share Discount (#4 * #7): 407.7 |
| 9. Entity Sub-Type: | 10. Alt. Disc. Mech: Y |

- | | |
|---|---|
| 1. Name of School: HICKORY CAREER AND ARTS MAGNET | |
| 2. Entity Number: 29893 | NCES: 37 02190 02108 |
| New School Construction: N | Administrative Entity N |
| 3. Urban or Rural: Urban | |
| 4. Total # of Students : 204 | 5. # of Students Eligible for NSLP: 185 |
| 6. %Students Eligible for NSLP (#5 / #4): 90.686% | |
| 7. Discount % from Discount Matrix: 90% | 8. Weighted Product for Calculating Share Discount (#4 * #7): 183.6 |
| 9. Entity Sub-Type: | 10. Alt. Disc. Mech: Y |

- | | |
|---|---|
| 1. Name of School: HICKORY HIGH SCHOOL | |
| 2. Entity Number: 29887 | NCES: |
| New School Construction: N | Administrative Entity N |
| 3. Urban or Rural: Urban | |
| 4. Total # of Students : 1007 | 5. # of Students Eligible for NSLP: 609 |
| 6. %Students Eligible for NSLP (#5 / #4): 60.476% | |
| 7. Discount % from Discount Matrix: 80% | 8. Weighted Product for Calculating Share Discount (#4 * #7): 805.6 |
| 9. Entity Sub-Type: | 10. Alt. Disc. Mech: Y |

- | | |
|---|---|
| 1. Name of School: JENKINS ELEMENTARY SCHOOL | |
| 2. Entity Number: 29898 | NCES: |
| New School Construction: N | Administrative Entity N |
| 3. Urban or Rural: Urban | |
| 4. Total # of Students : 493 | 5. # of Students Eligible for NSLP: 255 |
| 6. %Students Eligible for NSLP (#5 / #4): 51.724% | |
| 7. Discount % from Discount Matrix: 80% | 8. Weighted Product for Calculating Share Discount (#4 * #7): 394.4 |
| 9. Entity Sub-Type: | 10. Alt. Disc. Mech: Y |

- | | |
|---|-------------------------|
| 1. Name of School: LONGVIEW ELEMENTARY SCHOOL | |
| 2. Entity Number: 29903 | NCES: 37 02190 00947 |
| New School Construction: N | Administrative Entity N |
| 3. Urban or Rural: Urban | |

4. Total # of Students : 367
 5. # of Students Eligible for NSLP: 351
 6. %Students Eligible for NSLP (#5 / #4): 95.640%
 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: NORTHVIEW MIDDLE SCHOOL
 2. Entity Number: 29891
 New School Construction: N
 NCES: 37 02190 00940
 Administrative Entity N
 3. Urban or Rural: Urban
 4. Total # of Students : 565
 5. # of Students Eligible for NSLP: 350
 6. %Students Eligible for NSLP (#5 / #4): 61.946%
 7. Discount % from Discount Matrix: 80%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 452
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

1. Name of School: OAKWOOD ELEMENTARY SCHOOL
 2. Entity Number: 29892
 New School Construction: N
 NCES: 37 02190 00949
 Administrative Entity N
 3. Urban or Rural: Urban
 4. Total # of Students : 423
 5. # of Students Eligible for NSLP: 271
 6. %Students Eligible for NSLP (#5 / #4): 64.066%
 7. Discount % from Discount Matrix: 80%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 338.4
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

1. Name of School: SOUTHWEST ELEMENTARY SCHOOL
 2. Entity Number: 29906
 New School Construction: N
 NCES: 37 02190 00949
 Administrative Entity N
 3. Urban or Rural: Urban
 4. Total # of Students : 348
 5. # of Students Eligible for NSLP: 311
 6. %Students Eligible for NSLP (#5 / #4): 89.367%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 313.2
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

1. Name of School: VIEWMONT ELEMENTARY SCHOOL
 2. Entity Number: 29886
 New School Construction: N
 NCES: 37 02190 00950
 Administrative Entity N
 3. Urban or Rural: Urban
 4. Total # of Students : 664
 5. # of Students Eligible for NSLP: 502
 6. %Students Eligible for NSLP (#5 / #4): 75.602%
 7. Discount % from Discount Matrix: 90%
 8. Weighted Product for Calculating Share Discount (#4 * #7): 597.6
 9. Entity Sub-Type:
 10. Alt. Disc. Mech: Y

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Universal Service Administrative Company

Schools and Libraries Division

FORM 471 RECEIPT ACKNOWLEDGMENT LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

March 28, 2012

John Hughes
HICKORY CITY SCHOOL DISTRICT
1 Valentine Lane
Chapel Hill, NC 27516

Re: Form 471 Application Number: 828034
Funding Year 2012: 07/01/2012 - 06/30/2013
Applicant's Form Identifier: 2012 P2
Billed Entity Number: 127046

Your certified FCC Form 471, "Services Ordered and Certification Form," requested \$1,995,018.00 in total Schools and Libraries Program (Program) pre-discount costs for services. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 471.

USAC provides a separate Form 471 Receipt Acknowledgment Letter (RAL) with a RAL Funding Requests Report (Report) for each application certified within the application window. The Report summarizes the information provided to USAC. A space is provided for you to make allowable corrections to any clerical errors or errors that you realize may result in reduction or denial of funding. USAC will perform a complete analysis before funds are committed. If additional errors are found during our review we will attempt to contact you for clarification before making a decision that results in denials or reductions.

Review this Report to verify that the information accurately reflects your request. If the information is accurate, file this letter with your records.

DO NOT SEND CORRECTIONS TO THE CLIENT SERVICE BUREAU. To make corrections, please do the following:

- Corrections may be made until a Funding Commitment Decision Letter for this Form 471 Application is issued.
- If you would like to request a correction to a field that does not appear in the attached Report, print a copy of your Form 471 and clearly note your requested correction.
- If contact information provided above is incorrect, note any correction above and submit a signed copy of this page as a correction.
- Indicate any corrections you wish to make in the Report in the spaces indicated.
- Sign where indicated, and provide your name, title, contact information and date.
- Submit a copy of your marked-up RAL to the email address, fax number or mailing address posted in the "Form 471 RAL" page of our website.
- Retain a copy of the RAL and any submitted corrections.

REMINDERS REGARDING THE RAL

- This letter does NOT contain any decisions concerning your requests for discounts.
- Funding requests that did not pass Minimum Processing Standards are not included in the Report following this letter.
- See "Guide to USAC Letter Reports" posted in the Reference Area of our website for a description of each individual field in the following Report.

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

Form 471 828034 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
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1a. Name of Billed Entity	HICKORY CITY SCHOOL DISTRICT	Corrections not allowed
3. Billed Entity Number	127046	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.

*1XT8900 102067 -02067030410000

Form 471 828034 RAL Funding Requests Report

ERN: 2374034

IF YOU WISH TO CANCEL THIS ERN, PLEASE CHECK HERE _____

Item #	Data Entered on FCC Form 471	Make Corrections Here
11. Category of Service	Internal Connections	
12. 470 App#	820020000984715	
13. SPIN	143007139	
14. Service Provider Name	Dimension Data North America, Inc.	
15b. Contract Number	N/A	
16a. Billing Account Number	828-322-2855	
16b. Multiple Billing Account Numbers	N	
18. Contract Award Date	03/17/2012	
19. Service Start Date	07/01/2012	
20a. Service End Date		
20b. Contract Expiration Date	09/30/2013	
22. Block 4 Entity or Worksheet No	1487292	
23a. Monthly Charges	\$0.00	
23b. Ineligible Monthly Amt	\$0.00	
23c. Eligible Monthly Amt	\$0.00	
23d. Number of months of service	12	
23e. Annual Pre-discount Amount for eligible recurring charges	\$.00	Calculated - Not Input
23f. Annual Non-Recurring (One-Time) Charges	\$1,629,688.00	
23g. Ineligible Non-Recurring Amount	\$0.00	
23h. Annual Pre-discount Amount for eligible Non-Recurring charges	\$1,629,688.00	Calculated - Not Input
23i. Total Pre-discount Amt	\$1,629,688.00	Calculated - Not Input
23j. Discount from Block 4	85	See Block 4 Above
23k. Funding Commitment Request	\$1,385,234.80	Calculated - Not Input
25f. Service provider assistance with funding	No	