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**From:** Mike Brehm <drbrehm@PBL.K12.IL.US>  
**Sent:** Tuesday, November 13, 2012 2:40 PM  
**To:** Appeals  
**Subject:** Appeal - CC Docket No. 02-6  
**Attachments:** gaggle.pdf; appeal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I just received the Administrator's Decision on Appeal, dated November 7, 2012, which can be found as an attachment.

I do not understand why the appeal is denied. I followed through with everything exactly per your posted instructions and am denied the appeal.

Please note the EXACT information that was send to USAC electronically on September 14, 2012 is below from the original appeal email. This was well within the time frame for the appeal. You'll also see the attached contract which was sent with that email. I want you to note that Gaggle signed the document on December 29, 2011 and I signed the document January 1, 2012. All within the parameters of the rules.

I am requesting that the appeal be approved based on these facts.

Mike Brehm, Ed. D.  
Technology Coordinator  
PBL CUSD #10  
Panther Way  
Paxton, IL 60957

217-379-3314 Ext. 606 (Office)  
217-379-2862 (Fax)  
<http://www.pblunit10.com>

*Dedication, Guts, and Courage make a winner, but a little more of each makes a Champion! (MSB, 1973)*

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**From:** Mike Brehm  
**Sent:** Friday, September 14, 2012 10:43 AM  
**To:** 'appeals@sl.universalservice.org'  
**Subject:** Appeal

Paxton-Buckley-Loda CUSD #10  
700 W. Orleans  
Paxton, IL 60957  
Attn: Mike Brehm, Technology Coordinator  
Voice: 217-379-3314 x 606 Fax: 217-379-2862 Email: [drbrehm@pbl.k12.il.us](mailto:drbrehm@pbl.k12.il.us)  
Form 471 Application Number: 829655  
Billed Entity Number: 135825  
Billed Entity FCC RN: 0011834280  
Applicant's Form Identifier: PBL10

This is a letter of appeal for:

FRN 22554132, Gaggle.net, SPIN 143024051

We are appealing the following from the Decision Explanation: "MR2: The Contract Award Date was changed from 7/1/2012 to 4/1/2012 to agree with the documentation provided during the review of the FCC Form 471. DR1: No contract was in place when the FCC Form 471 Certification was filed. FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471 Certification for the products and service requested.

We have the signed attached contract well before that time. Gaggle signed on 12/29/2011 and PBL signed 1/1/2012.

Respectfully,

Mike Brehm, Ed. D.  
Technology Coordinator  
PBL CUSD #10  
Panther Way  
Paxton, IL 60957

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Gaggle.Net, Inc.  
 P.O. Box 1352, Bloomington, IL 61702-1352  
 800-288-7750 Fax: 309-665-0171  
 SPIN:143024051 / FEIN:04-3602422

### Gaggle.Net Contract

Prepared for

### PAXTON-BUCKLEY-LODA SCHOOL DISTRICT 10

Item 21 Attachment-2012	
Applicant: PAXTON-BUCKLEY-LODA SCHOOL DISTRICT 10	Attachment:
BEN: 135825	Application:
State: IL	

Narrative Description: Gaggle is a web-based hosted email service for K-12 education. Pricing is based on an annual subscription fee per mailbox. Gaggle hosted email is a recurring cost. However, it is a one time annual subscription fee for the school/district.

Service Description	Quantity	Unit Cost	Rate% Eligibility	Ineligible Cost	Eligible Cost	Total Cost
Student/Moderator Email Accounts	1,500	\$2.70	100%	\$0.00	\$4,050.00	\$4,050.00
Student Web Hosting Tools	1,500	\$1.25	95%	\$93.75	\$1,781.25	\$1,875.00
Teacher/Staff Primary Email Accounts		\$10.00	100%			
Domain Name/Setup Fee (Optional)		\$200.00	100%			
Data Integration/Setup Fee (Optional)	1	\$700.00	100%	\$0.00	\$700.00	\$700.00
Account Migration/Set-Up Fee (Optional)		\$6.00	100%			
Gaggle Administrative Training (Optional)	1	\$2,495.00	100%	\$0.00	\$2,495.00	\$2,495.00
Professional Development (Teacher Training)		\$2,495.00	0%			
Human Monitoring System (Optional)		\$1.25	0%			
Premium SPAM Filtering (Optional)		\$2.00	0%			
Archiving/Retention Policy Features (Optional)		\$0.50	0%			
Other		\$0.00	0%			
<b>TOTAL</b>				<b>\$93.75</b>	<b>\$9,026.25</b>	<b>\$9,120.00</b>

See additional Item 21 Attachment information on the USAC web site: <http://www.usac.org/sl/applicants/step07/form471-attachments.aspx>  
 Additionally, if the number of accounts changes from the Quantity stated in this contract, the Unit Cost is subject to change.

Term: July 1, 2012 - June 30, 2013

Contract Number: 4663

This agreement is contingent upon the approval and release of funds by the Schools and Libraries Division as well as approval by the school board. This contract allows for voluntary extensions upon district approval.

*Brett E. Woudenberg* 12/29/2011  
 Brett Woudenberg Date  
 Gaggle Chief Operations Officer

*[Signature]* 4-1-2012  
 Authorized Representative for Date  
 PAXTON-BUCKLEY-LODA SCHOOL DISTRICT  
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Universal Service Administrative Company  
Schools & Libraries Division

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

November 07, 2012

Mike Brehm  
Paxton-buckley-loda S D 10  
700 W Orleans St  
Paxton, IL 60957

Re: Applicant Name: PAXTON-BUCKLEY-LODA S D 10  
Billed Entity Number: 135825  
Form 471 Application Number: 829655  
Funding Request Number(s): 2254132  
Your Correspondence Dated: September 14, 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): 2254132  
Decision on Appeal: **Denied**  
Explanation:

- According to our records, during the Program Integrity Assurance (PIA) Review, Paxton-Buckley-Loda School District 10 was asked to provide a copy of their signed and dated contract. Mike Brehm, Technology Coordinator, provided the contract that was signed and dated April 1, 2012, which is after the FCC Form 471 Certification filing of January 24, 2012. Except for services to be delivered under non-contracted tariffed or month-to-month arrangements, FCC rules require that an applicant sign a contract with the service provider before signing and submitting a completed (certified) Services Ordered and Certification FCC Form 471. Applicants must be able to demonstrate that it had a signed contract in place at the time it submitted the completed FCC Form 471. On appeal, you have failed to provide evidence that USAC erred in its initial decision. Consequently, the appeal is denied.

- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract with your service provider(s), which meets your state and local or the FCC's definition of a contract. Additionally, the services you requested are not non-contracted tariff or month-to-month services. Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." See 47 C.F.R. sec. 54.504(a). In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

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