

April 11, 2013

Bart Owen, Technology Coordinator  
Dulce Independent School District  
PO Box 547  
Dulce, NM 87528  
(575)759-2903

Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

CC Docket no. 02-6

RE: Dulce School District FCC Form 471 Application Number 897193, Form 486 Number 944902, Form 500 Application Number 944902

Dulce School District, located on the Jicarilla Apache Reservation in north central New Mexico, respectfully requests review of a decision by Universal Service Administrative Company (Administrator) which was adjustment of the service start date for all funding requests on FCC Form 471 Application Number 944902 to February 12, 2012, despite a timely submitted Form 486. Dulce School District requests adjustment of the Start Date for all funded requests on Form 471 Application Number 944902 from February 12, 2012 to July 1, 2011.

Background:

Dulce School District submitted a Form 471 for the 2011-2012 funding year by the deadline and received a Funding Commitment Decision Letter (FCDL) on February 7, 2012.

Dulce School District submitted a Form 486 which was postmarked on June 11, 2012. (EXHIBIT A) On the Form 486 that Dulce School District Submitted, the wrong Service Start Date was entered. The date entered was June 1, 2012. The correct Service Start Date was July 1, 2011.

Upon realization of the error, in preparation for filing a BEAR form, Dulce School District filed a Form 500 to correct the service start date to July 1, 2011. USAC adjusted the service start date to February 12, 2012 and explained the change as: 120-Day 500 Deadline, even though the Form 486 was submitted within the time allowed. (EXHIBIT B)

Discussion:

Eligible applicants for discounts under the E-rate program are required to post an FCC Form 470, go through a procurement period, and after 28 days may make a service provider selection based on responses to the Form 470. The applicant subsequently files a Form 471 which describes the services ordered for which the applicant is requesting discounts. Upon review of the Form 471, if USAC determines that the requested services are eligible, a Funding Commitment Decision Letter (FCDL) is issued. Among the next steps after receiving the FCDL is the requirement for the applicant to submit a Form 486 which has a certification postmark within 120 days of the start of the Funding Year (July 1) or

the beginning of services, whichever is later. In addition the FCC has directed USAC to provide applicants with a 15-day opportunity to file or amend the form without adjustment of the Service Start Date.<sup>1</sup> The FCC has set a precedent that when applicants have demonstrated that there is no evidence of waste, fraud and abuse, and if rigid compliance with USAC's procedures does not serve the public interest that there is sufficient reason to grant an appeal or waiver of the Form 486 deadline.

In this case, the applicant was compliant with the deadline. They simply made a data entry error in entering the Service Start Date. To correct the error, Dulce School District submitted a Form 500.

The Form 500 must be filed, "To adjust the Funding Year Service Start Date reported on a previously filed Form 486 for this Funding Year."<sup>2</sup>

Dulce School District submitted their Form 486 on June 11, 2012 which is 124 days after the date of the FCDL. Therefore, Dulce School District was within a period of time that USAC accepts late Forms 486 without penalty.

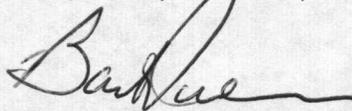
When Dulce School District realized that the Service Start Date was entered incorrectly, they submitted a Form 500 to adjust the service start date to the correct date. When the Administrator adjusted the Service start date to February, 8 months of service were removed from the commitment originally made. This totals \$87,007.80 in reimbursements that Dulce School District is losing because of the Administrator's Service Start Date adjustment. We believe this is unfair.

Summary:

In summary, there is no recourse for an applicant who wishes to correct a clerical error on a Form 486 other than to file an appeal with the Commission. There is an assumption that if an applicant wishes to adjust a Service Start Date to a date that is earlier than the Form 486 Service Start Date, the date was adjusted by the Administrator as a penalty for late submission. This adjustment in the Service Start Date is a harsh penalty for a simple data entry error.

We respectfully request that the Service Start Date for FRNs 2214208, 2214294 and 2214317 be changed to July 1, 2011 because there was no violation of Commission rules, and because denial will inflict great hardship on the children of Dulce School District.

Respectfully Submitted,



Technology Coordinator

Dulce Schools

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<sup>1</sup> See Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (Alaska Gateway Order). See also Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-766468, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 200 (Wireline Comp. Bur. 2012).

<sup>2</sup> Instructions for Completing the Universal Service for Schools and Libraries Adjustment of Funding Commitment and Modification to Receipt of Service Confirmation Form.

PaperCert

Page 1 of 1

FCC Form 486

Do Not Write In This Area

Approval by  
OMB  
3060-0853

Application ID : 897193

Entity Number	143274	Applicant's Form Identifier	E14 T&I
Contact Person	Naomi Vicenti	Phone Number	575-759-2909

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

<p><b>12. Signature of authorized person</b></p>  <p><b>14. Printed name of authorized person</b> Naomi vicenti</p> <p><b>15. Title or position of authorized person</b> Buisness Managr</p> <p><b>16a. Street Address, P.O. Box, or Route Number</b> P.O. BOX 547, 1 HAWK DRIVE</p> <p><b>City</b> Dulce</p> <p><b>State</b> NM      <b>Zip Code</b> 87528 -</p> <p><b>b. Telephone number of authorized person</b>      <b>Extension</b> 575-759-2909</p> <p><b>16d. Email address of authorized person</b> nvicenti@dulceschools.com</p>	<p><b>13. Date</b> 6/8/2012 8:15:20 PM</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><b>U.S. Postal Service</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i></p> <p style="text-align: center;">For delivery information visit our website at www.usps.com.</p> <p style="text-align: center;">LAWRENCE KS 66046      <b>OFFICIAL USE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Postage</td> <td>\$ 4.45</td> <td>0528</td> </tr> <tr> <td>Certified Fee</td> <td>2.95</td> <td>101</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>2.35</td> <td>Postmark <i>Naomi</i></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td>\$0.00</td> <td></td> </tr> <tr> <td><b>Total Postage &amp; Fees</b></td> <td><b>\$ 5.75</b></td> <td>06/11/2012</td> </tr> </table> <p>Sent To: <i>SLD Forms Form 486</i></p> <p>Street, Apt. No., or PO Box No.: <i>3833 Greenway Dr.</i></p> <p>City, State, ZIP+4: <i>Lawrence, Kansas 66046</i></p> <p>PS Form 3800, August 2006      See Reverse for Instructions</p> </div>	Postage	\$ 4.45	0528	Certified Fee	2.95	101	Return Receipt Fee (Endorsement Required)	2.35	Postmark <i>Naomi</i>	Restricted Delivery Fee (Endorsement Required)	\$0.00		<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>	06/11/2012
Postage	\$ 4.45	0528														
Certified Fee	2.95	101														
Return Receipt Fee (Endorsement Required)	2.35	Postmark <i>Naomi</i>														
Restricted Delivery Fee (Endorsement Required)	\$0.00															
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>	06/11/2012														

Please submit this form to:

SLD Form 486  
P. O. Box 7026  
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt

SLD Forms  
ATTN: SLD Form 486  
3833 Greenway Drive  
Lawrence, Kansas 66046  
888-203-8100



0486010603

Page 7 of 7

FCC Form 486

DULCE, KS  
DULCE, KS  
875239990  
3401500528-0098  
06/11/2012 (505)759-3497 09:48:50 AM

Sales Receipt			
Product Description	Sale Unit	Qty	Final Price
LAWRENCE KS 66046 Zone-5 First-Class Letter Letter 0.50 oz.			\$0.45
Expected Delivery: Thu 06/14/12			
Return Rcpt (Green Card)			\$2.35
Certified			\$2.95
Label #:	70081300000209769277		
Customer Postage			\$5.75
Subtotal:			\$0.00
Issue PVI:			\$0.00



# USAC

Universal Service Administrative Company  
Schools and Libraries Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

EXHIBIT B



**TIME SENSITIVE MATERIAL**

00037  
CAROLINE D. WOLF  
DULCE SCHOOL DISTRICT  
9210 GAIL DRIVE  
BATON ROUGE, LA 70809



Universal Service Administrative Company

Schools and Libraries Division



FORM 500 NOTIFICATION LETTER  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

February 11, 2013

CAROLINE D. WOLF  
DULCE SCHOOL DISTRICT  
9210 GAIL DRIVE  
BATON ROUGE, LA 70809

Re: Form 500 Application Number: 944902  
Applicant's Form 500 Identifier: 2011-DULCE

We are issuing this Form 500 Notification Letter to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed your FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.

Attached to this letter is a Report summarizing the modifications or changes you requested. An explanation of the data provided in our letter reports is in the "Guide to USAC Letter Reports" posted in the Reference Area of our website.

Retain this letter for your records. 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 500.

DEADLINES:

Recurring services must be delivered during the funding year (between July 1 and June 30). In general, non-recurring services must be delivered between July 1 and September 30 following the close of that Funding Year. The deadline may be extended for delivery and installation of non-recurring services as described in Step 11: Service Delivery Deadlines and Extension Requests on our website.

Invoices must be postmarked no later than 120 days after the last date to receive service or 120 days after the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following the guidance posted on our website.

Discuss with your service provider(s) whether you prefer discounts on your bills or reimbursement after paying for services in full. USAC will process either reimbursements based on Form 472 (BEAR) or discounts based on Form 474 (SPI) for a given FRN. Once established, however, the selected process - SPIs or BEARs - must be used consistently for the entire Funding Year.

NOTE: USAC will base the billing mode (reimbursement or discounting) on the first invoice type that it processes for payment. It is therefore imperative for the service provider and the customer to establish together the preferred invoicing mode.

NOTICE ON SERVICE START DATE

The Service Start Date as reflected on this letter may have been changed from what you indicated on the Form 500. The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVS/CD) from the Form 470 cited for this FRN on the Form 471. Additionally, applicants cannot use the Form 500 to change the Service Start Date from a Service Start Date that was adjusted on a Form 486. You will know that a change has been made if there is an asterisk (\*) next to the Service Start Date Change. It is important

that you and the service provider both recognize that USAC should only be invoiced and USAC may only direct disbursement of the discounts on eligible, approved services actually delivered and installed after the Service Start Date indicated on this letter.

#### TO APPEAL THE SERVICE START DATE CHANGE DECISION

If you wish to appeal a decision in this letter, 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 or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - Form 500 number as assigned by USAC,
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - "Form 500 Notification Letter for FY 2011," AND
  - the exact text or the decision that you are appealing.
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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a 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 us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us 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

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (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 on 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.

Schools and Libraries Division  
Universal Service Administrative Company

FORM 500 NOTIFICATION LETTER REPORT  
(Funding Year 2011)

Funding Request Number (FRN): 2214208  
Form 471 Application Number: 814740  
Service Provider Name: Windstream Communications, Inc.  
Service Provider Identification Number (SPIN): 143030766  
Billing Account Number: Windstream  
Service Start Date: 02/12/2012\*  
Service Start Date Change Explanation: 120-DAY 500 DEADLINE

Funding Request Number (FRN): 2214294  
Form 471 Application Number: 814740  
Service Provider Name: Verizon Business Global LLC  
Service Provider Identification Number (SPIN): 143001197  
Billing Account Number: long Distance  
Service Start Date: 02/12/2012\*  
Service Start Date Change Explanation: 120-DAY 500 DEADLINE

Funding Request Number (FRN): 2214317  
Form 471 Application Number: 814740  
Service Provider Name: Alltel Communications  
Service Provider Identification Number (SPIN): 143008900  
Billing Account Number: Cell Phones  
Service Start Date: 02/12/2012\*  
Service Start Date Change Explanation: 120-DAY 500 DEADLINE