

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of:	)	
	)	
Request for Review/Appeal	)	
Of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Cumberland County School District	)	CC Docket No. 02-6
BEN Number: 126975	)	
	)	
Schools and Libraries Universal Service	)	
Support Mechanism	)	
	)	
Wireline Competition Bureau	)	

**REQUEST FOR REVIEW/APPEAL**

Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

This is an appeal of a decision by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the Schools and Libraries Universal Service Support Program) to deny Cumberland County School District funds for the following:

**USAC Administrator's Decisions on Appeal:**

Date of Letter:	June 10, 2013
Funding Year 2012:	July 1, 2012 – June 30, 2013
Applicant Name:	Cumberland County School District
Billed Entity Number:	126975

**SLD Contact Information:**

Rosemary Enos  
Cumberland County School District  
31100 Solon Road  
P.O. Box 39490  
Solon, OH 44139  
Phone: (216) 514-3336  
Fax: (216) 514-3337

**Funding Request Numbers Appealed:**

Form 471 Application Number: 874422  
Funding Request Number: 2386437  
Service Provider and SPIN: Time Warner Cable, 143027380  
FCC Form 472 SLD Invoice No.: 1823289  
BEAR ID#: CUMBRLNDY15JUL-MARTWC

**USAC's Reason for Denial:**

“During the invoice review, reimbursement can only be issued for entities that were approved during the FCC Form 471 review process. It was determined that you invoiced for products/services to entities that were not included in Block 4 of the FCC Form 471; 595 Executive Pl, 1301 Robeson St, 3477 Legion Rd, 12059 NC Highway 210 S, 2522 Andrews Church Rd, 1114 Gillespie St, 2907 Fort Bragg Rd, 5721 Smithfield Rd, 5174 Dunn Rd, 1307 Hillsboro St, 4975 Cameron Rd, 1455 Hoke Loop Rd, 430 N Reilly Rd, 6901 Ramsey St, 4619 NC Highway 210 S, 7370 Clinton Rd, 3876 Sunnyside School Rd, 901 Lillington Hwy, that was not included in Block 4 of the FCC Form 471. These entities have not received approval for discounts for this funding request. Consequently your appeal is denied.”

**ISSUE:**

The USAC is denying reimbursement for services based on addresses, stating the entities were not on the Block 4 of the 471 application. The appeal filed with the USAC identified the entities, by entity number and street address that clearly showed the entities, except for one, were on the Block 4 of the Form 471 Application Number 874422.

**RESPONSE AND REQUEST FOR REVIEW:**

Cumberland County Schools filed an FCC Form 472 (BEAR Form) for reimbursement of expenses for the period of July 1, 2012 through March 31, 2013 for Time Warner cable under the funded FRN 2386437 in the amount of \$1,067,512.43. BEAR ID#CUMBRLNDY15JUL-MARTWC was sent to the SLD on April 1, 2013 and on April 16, 2013 a request for documentation was received from USAC Invoicing . The answer to this request was completed on April 24, 2013; all information requested was provided including copies of the invoices for the period covered by the BEAR form.

The BEAR Notification letter dated May 3, 2013 reported a total amount approved for payment of \$864,987.77. The report indicated that the Reimbursement Request Decision Explanation was **“Service to Entity Not Approved on 471”**. [Attachment A]

As this explanation was ambiguous, a call was made to the Client Service Bureau to get a better understanding of the reason for the reduction of the BEAR amount. That call was assigned case #22-498755 and resulted in the explanation that the BEAR included ineligibles, of which ineligible entities were the majority of the deduction of the amount in the BEAR. After explaining that the District could not investigate these allegations without some idea of what entities were involved, the Client Service Bureau further investigated and was able to send the amount of the reductions and for the month of July, 2012 a breakdown of ineligible sites. [Attachment B]

Upon reviewing the list provided, seventeen of the eighteen entities listed in the email [Attachment B] are shown on the Form 471 Application Number 874422 Block 4, Worksheet No. 1494653, the only entity not on the Form 471 Application is Mae Rudd Williams Elementary – BEN 29601 all the others were included and listed in the table below:

R. Max Abbott – BEN 29387 595 Executive Pl
Ashley Elementary –BEN 29378 1301 Robeson St
Ed V. Baldwin Elementary – BEN 29489 3477 Legion Rd
Beaver Dam Elementary – BEN 29582

12059 NC Highway 210 S
Brown Elementary – BEN 29396 2522 Andrews Church Rd
Cumberland County BOE – BEN 235157 1114 Gillespie St
Alma Eason Elementary – BEN 29385 2907 Fort Bragg Rd
District 7 Elementary – BEN 29612 5721 Smithfield Rd
Eastover-Central Elementary – Ben 29355 5174 Dunn Rd
Ramsey St. High School – BEN 211825 1307 Hillsboro St
Hope Mills Middle School – BEN 29493 4975 Cameron Rd
Lake Rim Elementary – BEN 211822 1455 Hoke Loop Rd
Benjamin Martin Elementary – BEN 29356 430 N Reilly Rd
Pine Forest Middle School – BEN 29407 6901 Ramsey St
Seabrook Elementary – BEN 29352 4619 NC Highway 210 S
Stedman Elementary – BEN 29607 7370 Clinton Rd
Sunnyside Elementary – 29336 3876 Sunnyside School Rd
Mae Rudd Williams Elementary – BEN 29601 901 Lillington Hwy

There were no further questions regarding entities in the request for documentation nor were there any questions asked after the requested documentation was provided to USAC regarding the BEAR amount. These entities are on the Form 471 Application Number 874422 and are on the Block 4 Worksheet Number 1494653.

The USAC's seminal authority is to guard against waste, fraud and abuse. Waste, fraud and abuse is not present here.

## **CONCLUSION**

Cumberland County School District recognized that the \$1,500.00 one-time charge on the October 24, 2012 invoice was ineligible; it was deducted from the worksheet provided in the requested documentation. The late charge of \$2,404.96 was missed and Cumberland County agrees that it should also be deducted from the BEAR.

Additionally, Mae Rudd Williams Elementary BEN 29601 is not on Form 471 Application Number 874422 and from July, 2012 through March, 2013 the amount billed for this entity was \$15,291.42 – Cumberland County School District also agree that this amount should be deducted from the BEAR.

The total ineligible amount of the BEAR is \$19,196.38 [**Attachment C**].

Cumberland County School District respectfully requests that the \$191,962.37 incorrectly reduced from SLD Invoice No. 1823289, BEAR ID#CUMBRLNDY15JUL-MARTWC be restored and approved for payment.

Respectfully Submitted by:

/s/ Rosemary Enos

Rosemary Enos  
on behalf of Cumberland County Schools  
Epic Communications  
31100 Solon Road  
P.O. Box 39490  
Solon, OH 44139  
Phone: (216) 514-3336  
Fax: (216) 514-3337  
[rpenos@epicinc.org](mailto:rpenos@epicinc.org)

August 9, 2013

# ATTACHMENT A



Universal Service Administrative Company

Schools and Libraries Division



Form 472 (BEAR) Notification Letter

May 3, 2013

Julie Laine  
Time Warner Cable Information Services (North Carolina), LLC  
60 Columbus Circle  
New York, NY 10023

Re: Invoice Number - as assigned by USAC: 1823289  
Service Provider Identification Number: 143027380  
Reimbursement Form Number: CUMBRINDY15JUL-MARTWC  
Billed Entity Number: 126975

CURRIE A. SUTTON  
CUMBERLAND COUNTY SCHOOL DIST  
P.O. BOX 39490  
SOLON, OH 44139

Preferred Mode of Contact: Fax at (216) 514-3337  
Total Amount of Reimbursement Approved for Payment: \$864987.77

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

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

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 874422  
Funding Request Number: 2386437  
Funding Year 2012: 07/01/2012 - 06/30/2013  
Contract Number: C  
Funding Commitment Decision: \$1348828.71  
Reimbursement Amount for this FRN: \$864987.77  
Reimbursement Request Decision Explanation:  
Service to Entity Not Approved on 471;

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## ATTACHMENT B

## Currie A. Sutton

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**From:** SLD Problem Resolution Mailbox <sld-problem-resolution@vangent.com>  
**Sent:** Monday, May 06, 2013 2:18 PM  
**To:** currieasutton@epicinc.org  
**Subject:** FW: Why Invoice reduced 22-498755

Currie,

Here is the Breakdown and the entities ineligible for July

There appear to be a number of reasons for the reductions, the majority being ineligible entities/sites:

BILL DATE	CURRENT CHARGES	Ineligible \$	Description of Ineligibles
7/23/2012	\$ 220,145.69	\$40,935.06	Ineligible Sites
8/22/2012	\$ 153,236.49	\$29,085.30	Ineligible Sites
9/20/2012	\$ 153,236.49	\$29,085.30	Ineligible Sites
10/24/2012	\$ 160,330.93	\$31,164.75	OTC & Ineligible Sites
11/22/2012	\$ 157,190.66	\$31,164.75	Ineligible Sites
12/22/2012	\$ 159,595.62	\$31,164.75	Late Fee & Ineligible Sites
1/24/2013	\$ 155,403.33	\$30,810.40	Ineligible Sites
2/23/2013	\$ 155,403.33	\$30,810.40	Ineligible Sites
3/22/2013	\$ 155,403.33	\$30,810.40	Ineligible Sites

The ineligible sites for July are;

595 Executive Pl
1301 Robeson St
3477 Legion Rd
12059 NC Highway 210 S
2522 Andrews Church Rd
1114 Gillespie St
2907 Fort Bragg Rd
5721 Smithfield Rd
5174 Dunn Rd
1307 Hillsboro St
4975 Cameron Rd
1455 Hoke Loop Rd
430 N Reilly Rd
6901 Ramsey St
4619 NC Highway 210 S

7370 Clinton Rd
3876 Sunnyside School Rd
901 Lillington Hwy

Jackie Creel

Technical Client Service Bureau/Problem Resolution

1-888-203-8100

1-888-276-8736

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## ATTACHMENT C

