



## Erate Consulting Specialists, Inc.

7422 Foster Creek Dr.

Richmond, TX 77406

9-16-2013

Marlene Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street  
Washington, DC 20554

Applicant Name: Higgs, Carter, King Gifted and Talented Charter Academy

Billed Entity Number: 228710  
Form 471 Application Number: 580715  
Funding Request Number(s): 1608359  
Funding Year: 2007

Funding Request Number(s): 1608359

Decision on Appeal: Denied

Explanation from SLD:

- “During a previous review, the funds associated with the above funding request were rescinded because Higgs, Carter, King Gifted & Talented Charter Academy did not consider all bids, including the Gaggle bid, during the competitive bidding process., On appeal you state "the School was asking for web hosting for the school web site which eChalk can provide but which Gaggle cannot. Gaggle only provides Student Web Hosting and email not a school or district site or school or district email. They cannot provide a web portal, district information, or any of those things a regular web hosting company can, they only provide individual student web sites and email for students to have their own page within the school itself." The reasons you gave for not considering the Gaggle bid do not comply with E-rate program requirements. Specifically, you state that you disqualified the Gaggle bid because they did not include web portal and web hosting services; however, neither of these services were requested on your FCC Form 470.



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Your FCC Form 470 only posted for district Internet access and student email. Applicants cannot disqualify or eliminate a bid because it does not include services that were not posted on the FCC Form 470. Therefore, Higgs, Carter, King Gifted & Talented Charter Academy cannot disqualify then Gaggle bid on the basis you provided above because you did not post for web portal and web hosting. Consequently, your appeal is denied.”

First of all, this is what was posted on the Form 470 from 2007, it says nothing about student email or student web hosting which are the services that the company Gaggle provides, what they only provide. The web hosting was lumped under the Internet Access category and the school only wanted District web hosting and District email. Gaggle does not provide either and so this is appearing as some type of witch hunt or complete ignorance on the SLD’s part.

<b>Internet Access - Monthly</b>	<b>District-wide, 250 users + 6 new</b>
<b>Email Services</b>	<b>District-wide, 250 users + 30 new</b>
<b>Email Account Fee Services</b>	<b>District-wide, 250 users + 30 new</b>

Secondly, SLD states that the school disqualified the Gaggle bid because they did not include web portal (not even a category) and web hosting services; however, neither of these services were requested on your FCC Form 470 the SLD says. With that said, if the school did not include web portal or web hosting, then Gaggle should certainly not have been considered either. This is the second FCC appeal I have written for this school in the last few months, the SLD has something against this school, I don’t what, but they denied everything from 2007-2008 because of some problem the SLD had with a previous consultant. I’m ashamed that they stoop this low, but it appears they do it because they can.

The crux of this whole matter is that USAC denied the SLD appeal because they don’t want to admit they were wrong in this matter. If the school wanted student email or student web hosting they would have considered Gaggle, they didn’t want either, so they didn’t consider it. We understand



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FCC rules require that all bids for services requested be considered, but are the schools also supposed to consider bids for services not requested as well? This is what the SLD is apparently stating here which could open up a huge problem for schools and districts as FRN's will be denied because the school wanted web hosting and received a bid for email only and then didn't consider it. Or, if the school states they only want bids for 100 Mbs of bandwidth, should they consider all bids that are less than that? This is a slippery slope I don't think the FCC wants to go down.

We state that the school followed the FCC rules and only did not consider a bid because the services requested were not provided by that particular vendor and so therefore no program rules were violated and this denial should be reversed.

Thank you for your attention.

Lee Ullrich  
Erate Consulting Specialists, Inc.



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