



1101 Stadium Drive, Ada, OK 74820
p. 580-332-1444 f. 580-332-2532
info@kelloggllc.com
www.kelloggllc.com

October 7, 2013

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

Dear Federal Communications Commission:

Please find the enclosed Letter of Appeal related to denied service provider change for
Texarkana Arkansas School District.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah J. Sovereign". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Deborah Sovereign, Consultant

Enclosures

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

In the Matter of

Appeal

Texarkana Arkansas School District
Form 471 Application #832230
Funding Request Number: 2343715

)
)
)
)
)
)
)
)
)
)
)

CC Docket No. 02-6

APPEAL

**TEXARKANA ARKANSAS SCHOOL DISTRICT
TEXARKANA, ARKANSAS**

October 7, 2013

Deborah Sovereign
Jane Kellogg

Kellogg & Sovereign Consulting, LLC
1101 Stadium Drive
Ada, OK 74820
(580) 332-1444
(580) 332-2532 (facsimile)
Email: dsovereign@kelloggllc.com

Texarkana Arkansas School District, Texarkana, Arkansas ("Texarkana") hereby submits an appeal to the Commission regarding the Universal Service Administrative Company (USAC)'s Administrator's Decision to deny a change of service provider for Funding Request Number 2343715.

Reason for Denial – USAC – Dated December 14, 2012

"USAC determined that your SPIN change request did not comply with the FCC's operational SPIN change requirements. On September 28, 2010, The Federal Communications Commission released the Sixth Report and Order. In this order the FCC clarified permissible service provider identification number (SPIN) changes following a competitive bidding process. The FCC has stated that "once a contract for products or services is signed by the applicant and service provider, the applicant may not change to a different service provider unless (1) there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder." In this case you are asking USAC to change the service provider listed on Block 5 of your FCC Form 471 to a provider that did not originally participate in the competitive bidding process. On your operational SPIN change request you informed USAC that AT&T Mobility who receive the next highest point value in the original bid evaluation was unable to meet the needs of the district. The record shows that during the original review you were asked to provide written documentation showing that Texarkana Arkansas School District gave the second highest scoring bidder AT&T Mobility an opportunity to provide the requested services. You were also asked to submit written documentation from AT&T Mobility indicating that they were unable to provide the services approved under FRN 2343715. The documentation submitted on June 11, 2013 does not show that AT&T was unable or unwilling to provide the services approved on the aforementioned FRN. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

In its Copan Order, the FCC determined that SPIN change requests would be granted when the applicant certifies that (1) the changes are allowed under state and local procurement rules and under the terms of the contract between the applicant and the service provider, and (2) the applicant has notified the original service provider of the intent to change. See Request for Review by Copan Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 15 FCC Red 5498, FCC 00-100 (rel. Mar. 16, 2000). See also SPIN Change Guidance under Reference area at www.usac.org/sl. Once a contract for products or services is signed by the applicant and service provider, the applicant may not change to a different service provider unless (1)

Letter of Appeal

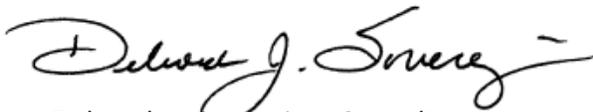
there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder. See In the Matter of Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan For Our Future, Sixth Report and Order, CC Docket No. 02-6; GN Docket No. 09-51, FCC 10-175 para. 91 (rei. September 28, 2010).”

The appeal that was sent to USAC on July 13, 2013 clearly shows that the applicant had a valid reason to change providers. The original provider, Sprint, was not able to provide adequate cellular coverage and therefore service in the area was not reliable from the original service provider.

The second cellular service provider on the original bid decision, AT&T Mobility also could not provide the service, so the applicant had to receive service from Verizon instead of Sprint or AT&T Mobility.

Since the applicant met the requirements of the SPIN change rules, we respectfully request that the Commission review the information submitted with the appeal.

Respectfully Submitted,



Deborah J. Sovereign, Consultant

Enclosures:

1. USAC Appeal denial letter
2. Original Appeal filed 7/13/2013
3. Letter of Agency

Letter of Appeal

Texarkana Arkansas School District, Form 471 Application Number 832230, FRN 2343715
Kellogg & Sovereign Consulting, LLC Phone: 580-332-1444

ATTACHMENT 1

**USAC Appeal Decision – Denial
Form 471 # 873159
FRN 2382660**

August 8, 2013

Letter of Appeal

Texarkana Arkansas School District, Form 471 Application Number 832230, FRN 2343715
Kellogg & Sovereign Consulting, LLC Phone: 580-332-1444



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

August 08, 2013

Debi Sovereign
Kellogg & Sovereign Consulting, LLC
1101 Stadium Drive
Ada, OK 74820

Re: Applicant Name: TEXARKANA ARKANSAS SCHOOL DIST
Billed Entity Number: 140639
Form 471 Application Number: 832230
Funding Request Number(s): 2343715
Your Correspondence Dated: July 13, 2013

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 Administrator's Decision on SPIN Change Request 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): 2343715
Decision on Appeal: **Denied**
Explanation:

- USAC determined that your SPIN change request did not comply with the FCC's operational SPIN change requirements. On September 28, 2010, The Federal Communications Commission released the Sixth Report and Order. In this order the FCC clarified permissible service provider identification number (SPIN) changes following a competitive bidding process. The FCC has stated that "once a contract for products or services is signed by the applicant and service provider, the applicant may not change to a different service provider unless (1) there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder." In this case you are asking USAC to change the service provider listed on Block 5 of your FCC Form 471 to a provider that did

not originally participate in the competitive bidding process. On your operational SPIN change request you informed USAC that AT&T Mobility who received the next highest point value in the original bid evaluation was unable to meet the needs of the district. The record shows that during the original review you were asked to provide written documentation showing that Texarkana Arkansas School District gave the second highest scoring bidder AT&T Mobility an opportunity to provide the requested services. You were also asked to submit written documentation from AT&T Mobility indicating that they were unable to provide the services approved under FRN 2343715. The documentation submitted on June 11, 2013 does not show that AT&T was unable or unwilling to provide the services approved on the aforementioned FRN. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

- In its Copan Order, the FCC determined that SPIN change requests would be granted when the applicant certifies that (1) the changes are allowed under state and local procurement rules and under the terms of the contract between the applicant and the service provider, and (2) the applicant has notified the original service provider of the intent to change. *See Request for Review by Copan Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 15 FCC Rcd 5498, FCC 00-100 (rel. Mar. 16, 2000).* *See also SPIN Change Guidance under Reference area at www.usac.org/sl.* Once a contract for products or services is signed by the applicant and service provider, the applicant may not change to a different service provider unless (1) there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder. *See In the Matter of Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan For Our Future, Sixth Report and Order, CC Docket No. 02-6; GN Docket No. 09-51, FCC 10-175 para. 91 (rel. September 28, 2010).*

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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 under the Reference Area/"Appeals" 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

ATTACHMENT 2

**Appeal Submitted to USAC
July 13, 2013**

Letter of Appeal

Texarkana Arkansas School District, Form 471 Application Number 832230, FRN 2343715
Kellogg & Sovereign Consulting, LLC Phone: 580-332-1444



1101 Stadium Drive, Ada , OK 74820 · office: 580.332.1444 · fax: 580.332.2532 · email: dsovereign@kelloggllc.com

July 13, 2013

Letter of Appeal
Schools and Libraries Division
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Contact Name:

Debi Sovereign, Consultant
1101 Stadium Drive
Ada, OK 74820
Phone: 580.332.1444, Fax: 580.332.2532
Email: dsovereign@kelloggllc.com

Applicant:

Texarkana Arkansas School Dist
Billed Entity # 140639
FY: 2012
Form 471 # 832230
FRN: 2343715

Dear Appeals Processor:

We are appealing the denial of an operational SPIN change request which was denied June 24, 2013.

Reason for Denial:

You requested a SPIN Change for FRN 2343715 from SPIN 143005695 to 143000677. However, your request is denied because you did not have a legitimate reason for a SPIN change to SPIN 143000677.

Specifically, as part of your SPIN change request, a legitimate reason to change providers is required (e.g. data entry error, merger or acquisition, intra-company SPIN change, breach of a contract between the applicant and its original service provider, or the original service provider's inability to perform the requested service). Because the specified reason for a SPIN Change is not considered a legitimate reason, your SPIN Change request to SPIN 143000677 is denied.

Reason applicant changed providers: Inability to perform the requested service - Inadequate cellular service coverage by both the original provider and the second provider on the bid evaluation worksheet.

The original provider, Sprint, could not provide the service due to poor cellular service coverage for the Texarkana, Arkansas school district area.

The second service provider on the original bid evaluation, AT&T Mobility, also could not provide the service due to limited cellular service coverage in the Texarkana, Arkansas school district area.

Therefore, the applicant changed providers to Verizon Wireless who did have good cellular service coverage in the Texarkana, Arkansas school district area.

We have attached the coverage maps for cellular service (voice) in the Texarkana, Arkansas school district area that show that the only provider with good service throughout the area is Verizon Wireless.

Correspondence submitted to SPIN change reviewer:

The original SPIN change request stated the reason to change:

“The applicant has had coverage issues with the original cell service provider, Sprint. The applicant then reached out to the second highest bidder, AT&T Mobility, on the original bid evaluation sheet and they were also unable to meet the needs of the applicant. Finally the applicant contacted Verizon Wireless and was able to receive the services needed.”

The reviewer asked for copies of the correspondence between the applicant and AT&T Mobility to determine why AT&T Mobility was not selected. The first email dated April 9, 2012 at 9:48 am includes the statement from the AT&T Mobility E-Rate representative that “you are not in the local service AT&T footprint.” The subsequent emails discuss phones available and phone features which were not relevant to the applicant’s decision regarding coverage for cellular voice services. Since Texarkana, Arkansas was not in the “local service AT&T footprint” they did not have good coverage in their area as shown in the coverage maps. Therefore, the applicant could not get service from AT&T Mobility.

There were only two bids received during the competitive bidding period. Only Sprint and AT&T Mobility submitted bids. However, since neither the original provider, Sprint, nor the second provider in the bid evaluation worksheet, AT&T Mobility, had adequate cellular service coverage in the area, the applicant selected Verizon Wireless to provide the service. We have attached the original bid evaluation worksheet for your reference.

Since the applicant had a legitimate reason to change providers, we respectfully request that the operational SPIN change request be reviewed for approval as originally submitted.

Respectfully submitted,



Debi Sovereign
Consultant

Attachments:

- A. Funding Commitment Decision Letter
- B. Administrator's Decision on SPIN Change Request
- C. Coverage Maps
- D. Original SPIN Change Request and Bid Evaluation Worksheet
- E. Emails submitted to SPIN change reviewer
- F. Letter of Agency

ATTACHMENT A

Funding Commitment Decision Letter



Universal Service Administrative Company

Schools and Libraries Division



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

December 4, 2012

Debi Sovereign or Jane Kellogg
TEXARKANA ARKANSAS SCHOOL DIST
1101 Stadium Drive
Ada, OK 74820-8459

Re: Form 471 Application Number: 832230
Billed Entity Number (BEN): 140639
Billed Entity FCC RN: 0007909708
Applicant's Form Identifier: TXAR Y15-1

Thank you for your Funding Year 2012 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$306,180.16 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, 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 name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 832230 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2012," AND
 - The exact text or the decision that you are appealing.

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

FUNDING COMMITMENT REPORT
Billed Entity Name: TEXARKANA ARKANSAS SCHOOL DIST
BEN: 140639
Funding Year: 2012

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

Form 471 Application Number: 832230
Funding Request Number: 2343715
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 250510000930737
SPIN: 143005695
Service Provider Name: Sprint Communications Co. L.P.
Contract Number: WSCA PA S1523
Billing Account Number: 360 408 286 CEL
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2012
Service End Date: N/A
Contract Award Date: 03/12/2012
Contract Expiration Date: 06/30/2013
Shared Worksheet Number: 1400618
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$91,842.12
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$91,842.12
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$75,310.54 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The amount of the funding request was changed from \$7,672.26 to \$7,653.51 to remove: the ineligible service(s) Sprint Unlimited data pack \$3.75 and Blackberry Bes Buy-Up \$15.00.

FCDL Date: 12/04/2012

Wave Number: 020

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013

Consultant Name: Debi Sovereign

Consultant Number (CRN): 16024809

Consultant Employer: Kellogg & Sovereign Consulting, LLC

ATTACHMENT B

Administrator's Decision on SPIN Change Request



Administrator's Decision on SPIN Change Request

June 24, 2013

Re: Applicant Name: TEXARKANA ARKANSAS SCHOOL DIST
Billed Entity Number: 92492
FCC Form 471 Application Number: 832230
Funding Request Number(s): 2343715
Your Correspondence Dated: 5/7/2013

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 SPIN Change Request for the FRN(s) 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 USAC or the Federal Communications Commission (FCC). If your SPIN Change request included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request No. (FRN): 2343715
Original Service Provider: Sprint Communications Co. L.P.
Original SPIN: 143005695
New Service Provider: Verizon Wireless (Cellco Partnership)
New SPIN: 143000677
Original Commitment Amount: \$75,310.54
Disbursement Amount: \$0.00
CAP Remaining:
A FCC Form 486 has been filed for this FRN: Yes
This FRN includes Non-Recurring Services: No

Decision: Denied

Explanation: You requested a SPIN Change for FRN 2343715 from SPIN 143005695 to 143000677. However, your request is denied because you did not have a legitimate reason for a SPIN change to SPIN 143000677.

Specifically, as part of your SPIN change request, a legitimate reason to change providers is required (e.g. data entry error, merger or acquisition, intra-company SPIN change, breach of contract between the applicant and its original service provider or the original service provider's inability to perform the requested service). Because the specified reason for a SPIN Change is not considered a legitimate reason, your SPIN Change request to SPIN 143000677 is denied.

If you wish to appeal a decision in this letter, your appeal must be received by USAC or the FCC and postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in a denial 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,
 - FCC Form 471 application number as assigned by USAC,
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
 - Administrator's Decision on SPIN Change Request, 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 the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the 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 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.

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal 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.

Thank you for your continued patience and cooperation during this process.

Schools and Libraries Division
Universal Service Administrative Company

CC:

ATTACHMENT C

Coverage Maps

AT&T WIRELESS (AT&T MOBILITY) COVERAGE MAP – VOICE PARTIAL COVERAGE



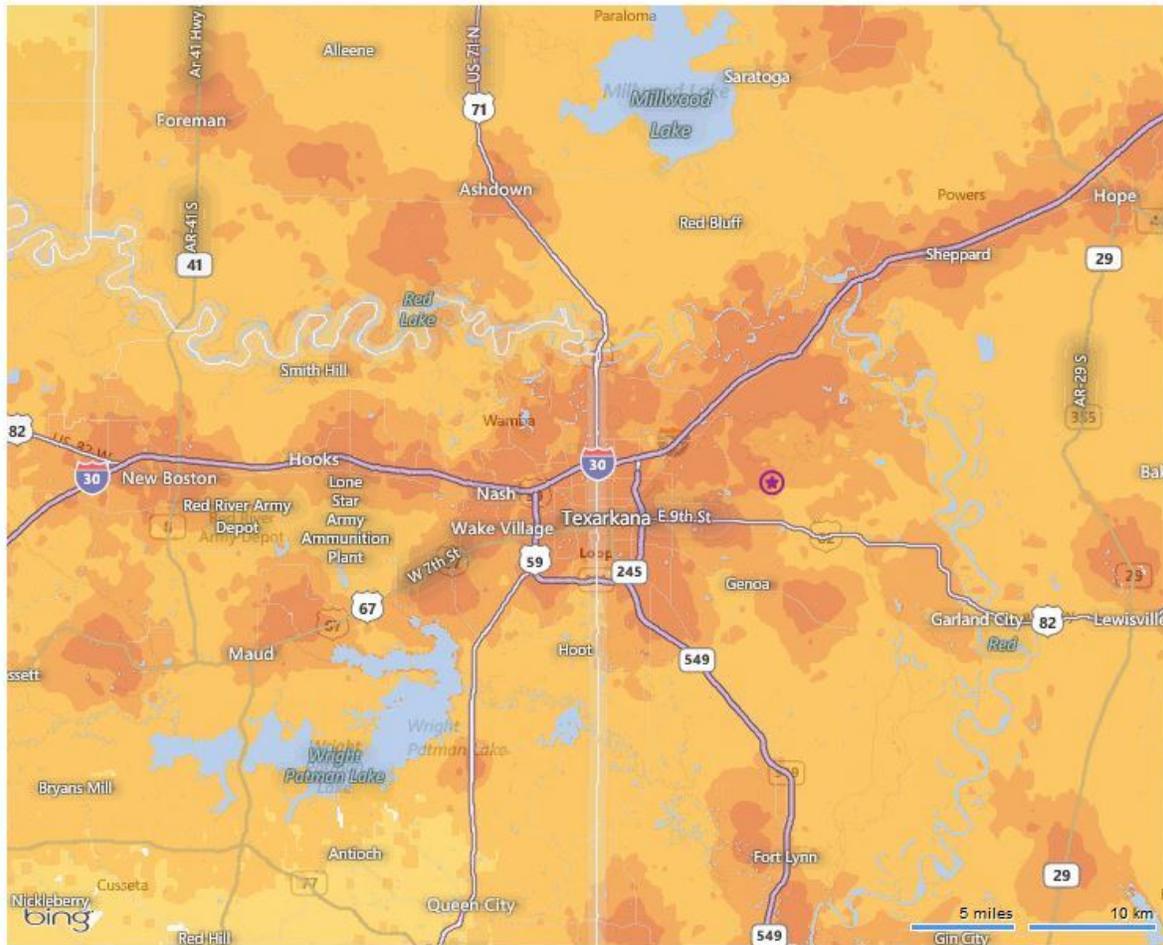
Print

Map of 71854

< Back to search results

Domestic Wireless Voice Coverage

This map shows wireless voice coverage in the United States, Puerto Rico and the U.S. Virgin Islands.



Legend

★ Your search

Best

Good

Moderate

Partner

Requires 3G Handset

AT&T Wireless – Coverage Legend Definitions

Coverage Legend Definitions

Best: Signals are strongest in areas shown in dark orange and should be sufficient for most in-building coverage. However, in-building coverage can be adversely affected by the thickness and/or construction type of walls or your location in the building (for example, in the basement in the middle of a building with multiple walls). This AT&T-owned wireless network provides 3G and 2G service.

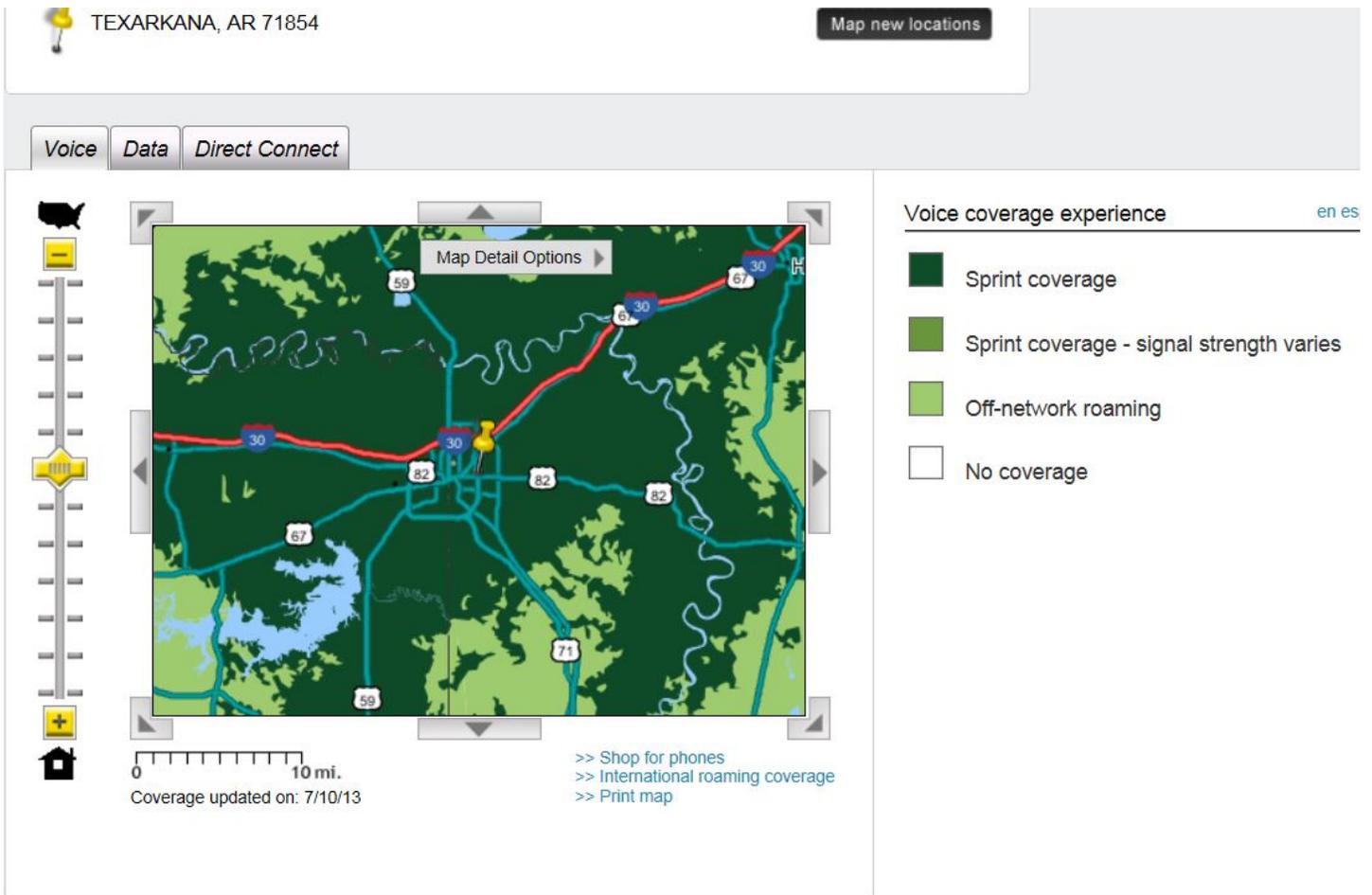
Good: The areas shown in medium orange should support on-street or in-the-open coverage, most in-vehicle coverage and some in-building coverage. This AT&T-owned wireless network provides 3G and 2G service.

Moderate: The signal should be strong enough to support on-street or in-the-open coverage in areas shown in light orange. However, signals may not be strong enough for in-vehicle or in-building coverage. This AT&T-owned wireless network provides 3G and 2G service.

Partner: The areas shown in tan depict coverage provided by unaffiliated carriers. In these areas, the signal should be strong enough for on-street or in-the-open coverage, but may not be sufficient for in-vehicle or in-building coverage.

Requires 3G Handset: To access coverage in the areas shown in a striped pattern, you'll need a 3G-capable device and eligible rate plan. Like all coverage, it can be adversely affected by distance from cell site, weather, foliage, tower congestion, and other factors. You'll know you're in an AT&T 3G coverage area when the 3G network indicator displays beside the signal bars on your phone.

SPRINT COVERAGE MAP - VOICE PARTIAL COVERAGE



This tool provides high-level estimates of our wireless coverage. Coverage is not available everywhere and varies based on a number of factors.
>> [Learn more](#)

You may have different coverage if you have:
-Single- or dual-band [older phone models](#) .
-A plan that does not include roaming ([view coverage](#)) .

VERIZON WIRELESS COVERAGE MAP – VOICE
FULL DIGITAL COVERAGE

Coverage Locator

See detailed information about coverage in your area by searching this map.

[Directions](#) | [Print](#)

Street Address City, State or

- Data Coverage [?](#) 4G LTE Data Coverage [?](#) Voice & Messaging [?](#)
 Push to Talk [?](#) Prepaid [?](#)

[International Coverage >](#)



Map Legend

- Digital Coverage Extended Digital Coverage No Coverage VZW Store

**These Coverage Locator depictions apply to the following calling plans:
Share Everything, Nationwide Calling Plans, Mobile Broadband and Prepaid.**

Voice roaming charges will apply in the Canada and Mexico coverage areas unless you subscribe to the Share Everything or Nationwide Plus Canada/Mexico Plan.

These Coverage Locator maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

ATTACHMENT D

Original SPIN Change Request
Bid Evaluation Worksheet



1101 Stadium Drive
 Ada, OK 74820
 Phone: 580-332-1444
 Fax: 580-332-2532

OPERATIONAL SPIN CHANGE

1	Billed Entity Number (BEN)	140639
2	Applicant Name	Texarkana Arkansas School District
3	Funding Request Number (FRN)	2343715
4	FCC Form 471 Application Number	832230
5	Applicant Contact	Mandy Wood
6	Applicant Phone	580-332-1444
7	Applicant Email Address	mwood@kelloggllc.com
8	Original SPIN	143005695
9	Original Service Provider	Sprint Communications Co. L.P.
10	Original Service Provider Contact	Christina M Halley
11	Original Service Provider Phone	703-689-5533
12	Original Service Provider Email	
13	New SPIN	143000677
14	New Service Provider	Verizon Wireless
15	New Service Provider Contact	Diane Reese
16	New Service Provider Phone	866-221-4123
17	New Service Provider Email	

18	Has the original service provider supplied any services under this funding request? If yes, you must supply the following information.	No
For recurring services:		
a.	Monthly pre-discount amount for original service provider	
b.	Monthly pre-discount amount for new service provider	
c.	Effective date of change	
d.	Last day of service for new service provider	
For non-recurring services:		
a.	One-time pre-discount amount for original service provider	
b.	One-time pre-discount amount for new service provider	
c.	Effective date of change	
d.	Last day of service for new service provider	

19	Please answer the following three questions:	Yes or NO
1	Are all SPIN changes requested in this letter allowed under all applicable state and local procurement rules?	YES
2	Are the SPIN changes allowable under the terms of the contract, if any, between the applicant and its original service provider?	YES
3	Have you notified your original service provider of your intent to change service providers? OR If your service provider is no longer in business, have you attempted to contact them?	YES

If you answered "No" to any of the questions above , please explain.	
--	--

Beginning with FY2011 FRNs - See Explanation & Bid Evaluation Worksheet next page

OPERATIONAL SPIN CHANGE (CONTINUED)

1	Billed Entity Number (BEN)	140639
2	Applicant Name	Texarkana Arkansas School District
3	Funding Request Number (FRN)	2343715

20	Beginning with FY2011 FRNs, provide the following two items:	
1	A detailed explanation of the need for the change: (Breach of Contract, Gone Out of Business or Other). Also, if new vendor not second highest bidder on the final Bid Evaluation Sheet attached, include an explanation.	
	The applicant has had coverage issues with the original cell service provider, Sprint. The applicant then reached out to the second highest bidder, AT&T Mobility, on the original Bid Evaluation Sheet and they were also unable to meet the needs of the applicant. Finally the applicant contacted Verizon Wireless and was able to receive the services needed.	
2	Attach the final bid evaluation worksheet (a listing of the bid weighting factors and individual vendors' scores for all vendors that participated in the original competitive bidding process) for the services requested in FRN(s) associated with the SPIN change. If applicable, provide a statement that there was only one or no bids received.	
	Attached	

E-RATE 2012-13 BID SCORING GRID

School/Library Name: Texarkana Arkansas School Dist

Prepared by: Frank Coleman Title: Business Manager

Date: March 2, 2012

BE SURE TO LIST EACH BID RECEIVED FOR EACH TYPE OF SERVICE.

	Possible Points	AT&T Mobility	Sprint Spectrum, LP
Cell Phone Service			
Bid Amount:		\$94,770.00	\$80,909.04
Price-Erate Items	30	25	30
Price-Other Costs	5	5	5
Prior Experience	25	5	25
Personnel Qualifications	20	15	20
Proximity	10	10	10
Quality of Service	10	10	10
Total Points:	100	70	100

ATTACHMENT E

Emails submitted to USAC SPIN Change Reviewer

Debi Sovereign

From: Mandy Wood <mwood@kelloggllc.com>
Sent: Tuesday, June 11, 2013 2:41 PM
To: 'Herring, Robert'
Subject: RE: Incomplete Information Regarding Your SPIN Change Request - FRN 2343715 b RH
Attachments: 20130611142433.pdf

Robert,

Please see the attached documentation. If you have any other questions just let me know.

Thanks,

Mandy Wood

Kellogg & Sovereign Consulting, LLC
1101 Stadium Drive
Ada, Ok 74820
580.332.1444 ext 107
580.332.2532 fax
mwood@kelloggllc.com
www.kelloggllc.com

CONFIDENTIAL TRANSMITTAL:

This e-mail and any files transmitted with it are the property of KELLOGG & SOVEREIGN CONSULTING, LLC and/or its affiliates, and are confidential, and intended solely for the use of the individual or entity to which this e-mail is addressed. If you are not the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender at 580-332-1444 and delete this message along with any files or attachments immediately from your computer. Any other use, including but not limited to: retention, dissemination, forwarding, printing or copying of this e-mail, including all files and attachments, is strictly prohibited.

From: Herring, Robert [mailto:Robert.HERRING@sl.universalservice.org]
Sent: Friday, June 07, 2013 10:13 AM
To: 'Mandy Wood'
Subject: RE: Incomplete Information Regarding Your SPIN Change Request - FRN 2343715 b RH

In consideration of your request, I have gained approval for you to be granted an extension of additional days, until Tuesday June 11, 2013. Please provide the requested information at the earliest possible date prior to the above to expedite processing of the application.

Robert Herring

DETAILED DESCRIPTION OF ISSUES WITH CELL SERVICE – AT&T Mobility

Julie Aaron
Coordinator of Instructional Technology
Texarkana Arkansas School District
3512 Grand Avenue
Texarkana, AR 71854
(870) 772-3371 ext 432

On April 9, 2012, I contacted Cindy Jackson with AT&T for a quote. She emailed me back later that day saying we aren't in the footprint. Then on April 10, 2012 I received an email from Joey Goldsmith regarding features but since we aren't in the footprint we are worried about service issues. (see attached emails)

Mandy Wood

From: Julie Aaron <Julie.Aaron@tasd7.net>
Sent: Tuesday, April 02, 2013 10:12 AM
To: Mandy Wood (mwood@kelloggllc.com)
Subject: FW: Need an Account Rep to contact me

From: Julie Aaron
Sent: Monday, April 09, 2012 9:57 AM
To: 'JACKSON, CYNTHIA'
Subject: RE: Need an Account Rep to contact me

Hi Cindy,

What about Texarkana, TX? Our cell phone numbers are Texarkana, TX numbers.

Thanks,
Julie

From: JACKSON, CYNTHIA [<mailto:cj769a@att.com>]
Sent: Monday, April 09, 2012 9:48 AM
To: Julie Aaron
Subject: RE: Need an Account Rep to contact me

The problem is your account does not have an assigned representative, because you are not in the local service AT&T footprint. I have sent e-mails to several different Account Managers, and I am waiting for responses.

I am sorry for the delay,

Cindy Jackson
501 257-9842

From: Julie Aaron [<mailto:Julie.Aaron@tasd7.net>]
Sent: Monday, April 09, 2012 9:13 AM
To: 'cj769a@att.com'
Subject: FW: Need an Account Rep to contact me

Can you tell me how I can get in contact with a representative? I know it was a holiday weekend, but I am really pressed for time.

Thanks!
Julie

From: Julie Aaron
Sent: Thursday, April 05, 2012 12:20 PM
To: 'cj769a@att.com'
Subject: Need an Account Rep to contact me

Hi Cindy,

Here are the specifics of what I need for our district. I'd like more information and a quote based on the following information.

Smart phones with touch-to-talk: 34
Smart phones w/o Touch-to-talk: 18
Mobile hotspots: 20
Basic touch-to-talk devices: 98
Tablets: 1
Total: 171

← Devices / Features
Not applicable to Erate - Bid Decision

We also have signal-repeating devices installed in to improve indoor reception. We need to make sure that the school buildings have reliable connectivity in case of the need for emergency communications. Please let me know if you need further information.

Thanks,
Julie

Julie Aaron

Julie Aaron
Coordinator of Instructional Technology
Texarkana Arkansas School District
3512 Grand Avenue, Texarkana AR 71854
(870) 772-3371 ext 432

From: GOLDSMITH, JOEY D [mailto:JG5545@att.com]

Sent: Tuesday, April 10, 2012 12:54 PM

To: Julie Aaron

Subject: RE: Need an Account Rep to contact me

Hi Ms Julie

So far, these are the push-to-talk devices we have available

		Price after WSCA discount, per device
LG GU292	--	\$39.99
LG GU295	--	\$19.99
Motorola Tundra	--	\$129.99
Samsung Rugby II	--	\$49.99

← Devices/Features
Not applicable to
Bid Decision

For the mobile hotspots, we have the MiFis

MiFi 2372 3G	--	\$FREE
MiFi Elevate 4G	--	\$49.99

I am locating the plan pricing now for you to look over, and I am also trying to find collateral on the devices about, for you to be able to research also.

Thank you ma'am!

AT&T and I do appreciate this opportunity!

Joey D. Goldsmith
Universal Account Manager
AT&T Government/Education
337-303-7467
877-303-8640 toll free

ATTACHMENT 3

Letter of Agency

Letter of Appeal

Texarkana Arkansas School District, Form 471 Application Number 832230, FRN 2343715
Kellogg & Sovereign Consulting, LLC Phone: 580-332-1444

KELLOGG & SOVEREIGN[®] CONSULTING, LLC

Letter of Agency E-Rate Funding Year 2012

2012

I authorize Jane Kellogg, Debi Sovereign, Mel Van Patten, and/or Mandy Harmon Wood, representatives of Kellogg & Sovereign Consulting, LLC ("KSLLC") to submit Federal Communications Commission (FCC) Forms 470, 471, 486, 500, 472 and other forms requested by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") on behalf of our school system. We also authorize the aforementioned representatives to act as our agents in soliciting, receiving, and preparing comparisons of proposals from service providers.

Name of Applicant (School/Library): Texarkana Arkansas School District (BEN 140639)

As such, they are authorized to conduct the following on our behalf to:

- Prepare and submit all paperwork requested by the Schools and Libraries Division of the USAC
- Act as our agent in working with representatives of the FCC, USAC, and/or SLD to provide information as requested during application review, selective reviews, site visits, audits and any other activity associated with review of our applications
- Prepare Requests for Proposal (RFPs) to be posted to the KSLLC website and distributed to appropriate service providers
- Provide information to service providers as needed to clarify information in RFPs and Forms 470
- Receive bids for requested services
- Notify service providers of their selection after the authorized school representative has analyzed comparisons of bids submitted to us through KSLLC and we have notified KSLLC of our selections.
- Complete contracts for eligible E-rate services as specifically directed by the authorized school representative.

I also understand that in submitting these forms on our behalf, representatives of Kellogg & Sovereign Consulting are making certifications for our school and/or library system. By signing this letter of agency, I make the following certifications as required by the FCC¹⁹⁰:

I certify that the school(s) I represent are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entities I represent will secure access separately or through this program, to all of the resources including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs. I certify that the entities I represent will secure access to all of the resources to pay the discounted charges for eligible services from funds to which access will be secured in the applicable funding year(s). I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

I certify that, if required by Commission rules, all of the individual school(s) I represent are covered by technology plans that cover all 12 months of the applicable funding year(s), and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

¹⁹⁰ Certifications per FCC Forms 470, 471 and 486. <http://www.usac.org/sl/tools/required-forms.aspx> 5/19/2011

I authorize Kellogg & Sovereign® Consulting, LLC to post my Form 470 and (if applicable) make my RFP available for at least 28 days before the applicant considers all bids received and selects service providers. I certify that all bids submitted will be carefully considered and the bid(s) selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals.

I certify that I will review all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities I represent will comply with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on our forms have or will not receive anything of value or a promise of anything of value, other than services and equipment sought by means of forms submitted with the Schools & Libraries Division, from the service provider, or any representative or agent thereof or any consultant in connection with the request for services.

I certify that I and the entity(ies) I represent will comply with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There will be signed contracts covering all of the services listed on the Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) I represent. I certify that I am authorized to sign this Letter of Agency and all information to be provided to Kellogg & Sovereign® Consulting, LLC for the E-Rate submission will be true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to the associated applications have complied with the terms, conditions, and purposes of this program, that no kickbacks were or will be paid to anyone and that false statements on FCC forms can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on our FCC forms, or any person associated in any way with my entity and/or the entities listed on our FCC forms, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the funding requests listed on our FCC forms are for discounts for products or services that contain both eligible and ineligible components that Kellogg & Sovereign® Consulting, LLC on our behalf will allocate the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F. R. § 54.504(g)(1),(2).

I certify that funding requests included on the related FCC forms will not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F. R. § 54.506(c).

I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on the applicable FCC forms will be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

I certify that prior to the commencement of service, the school(s) I represent will be in compliance with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l) .

Applicant Name (School/District): Texarkana Arkansas School District, Texarkana, AR

Signature of Authorized Person: Frank Coleman Date: 8/15/2011

Printed Name of Authorized Person: Frank Coleman Title: Business Manager

This authorization shall remain in effect until notified of cancellation in writing.



RETURN by email or mail to:
Kellogg & Sovereign® Consulting
1101 Stadium Drive, Ada, OK 74820
Email: annhill@kelloggllc.com