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December 31, 2013

Mrs. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Appellant Name: Richard Senturia, Consultant for the Applicant
Appellant CRN: 16048902
Applicant: Rockwood School District R 6
BEN: 136875
Form 471 #: 903901
FRN: 2459575

Re: **Request for Review**
USAC Administrator's Decision on Denial of Funding Commitment
CC Docket No. 02-6

Dear Mrs. Dortch:

Rockwood School District R 6 is appealing USAC's denial of funding for E-Rate Funding Year 2013, on FCC 471 Application # 903901, FRN 2459575, in a Funding Commitment Decision Letter dated 08/14/13, and follow up appeals in letters dated 10/02/13 and 11/12/13 having the following reason(s):

- **Program rules require that a signed contract be in place when the FCC Form 471 is filed. The contract was approved and signed at the BOE meeting three days after filing the FCC Form 471 on March 3, 2013 – therefore there was no signed contract in place when you filed your FCC Form 471. On appeal, you have not provided any documentation to show that USAC erred in its funding commitment decision, therefore your 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 met your state and local or the FCC's definition of a contract. 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" The services you requested are not non-contracted tariff or month-to-month 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 the authority to waive FCC rules of the program, your appeal is denied.**

In our initial request and follow up appeal we provided the following information:

On 11/15/12 the District posted its FCC Form 470 # 126920001062451 and released a RFP.

On 02/15/13 a District bid evaluation committee met and began the service provider selection process.

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Some time prior to 02/22/13 the District bid evaluation made its selection, notified the winning respondent and requested a contract.

On 02/24/13 the District bid evaluation committee submitted its results to the Board of Education (BOE) for acceptance at its Board's 03/07/13 meeting. The results included a bid summary.

On 02/25/13 the District received the requested pre-signed contract from the winning respondent, effectively entering into a contract with the winning respondent.

On 03/01/13 the BOE posted its meeting agenda with the contract as a "consent" agenda item.

The District affirms it filed FCC Form 471 #903901 on 03/04/13, three (3) days prior to BOE action on 03/07/13.

The District affirms that it effectively entered into a contract with the service provider on 02/22/13, the date that it notified the vendor of its selection and requested a contract.

The District complied with all other E-Rate rules and regulations, policies procedures, guidelines and deadlines regarding the competitive bidding process and vendor selection entering into the contract.

The vendor selection process was completed free of any waste, fraud, or abuse.

The granting of this appeal will serve the public interest by allowing the District to capture funding committed it to pay its eligible telecommunications services without adversely affecting current or future E-Rate applicants. Waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.

We respectfully request the FCC to direct USAC to grant our appeal for funding commitment relative to the FRN above together with reasonable extensions permitting the District to realize the intended benefits of the E-Rate Program and recover funds committed it that it has already paid for eligible services, emphasizing again that the District has not committed any waste, fraud or abuse.

For the District,

Richard Senturia, CEO
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