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CC DOCKET NO. 02-6
CC DOCKET NO. 96-45

IN THE MATTER OF APPEAL FOR ST TURIBIUS SCHOOL
OF THE DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR

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Schools and Libraries Program Correspondence Unit
Letter of Appeal
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

Attached is an Appeal for St Turibius School (BEN: 70614). Form 471 821886 FRN's 2238484 & 2238485 were Not Funded because Form 470 # 617890000869057 indicated that we did not release an RFP, and on a subsequent USAC Review Checklist dated 11/23/2011 we inadvertently categorized a document with descriptions of example projects as an RFP. We attempted to correct the issue in a subsequent USAC Review Correspondence dated 6/4/2012. The funding for St Turibius School was denied because of this miscommunication. We subsequently appealed to USAC on August 18th 2013, and we were unsuccessful for the same reasons.

In seven prior FCC decisions the issuance of a document that may have been inadvertently perceived as an RFP, contrary to the indication on the Form 470 an RFP would not be released, has not been found harmful to the competitive bidding process:

- Hillsboro Independent School District [DA 08-2366] (10/30/2008)
- Approach Learning and Assessment [DA 08-2380] (10/30/2008)
- Green Bay School District [DA 10-2305] (12/6/2010)
- Ramirez Common School District, Realitos TX [DA 11-1039] (6/9/2011)
- Riverdale Unified & Cherokee County School Districts [DA 11-1370] (8/8/2011)
- Northwest Arctic Borough [part of DA 11-1974] (12/5/2011)
- Northeast Arizona Technological Institute of Vocational Education [DA 12-334] (3/6/2012)

In these decisions the FCC decided the information within the Form 470 was sufficient to allow service providers to bid on the services requested. Furthermore, there was no indication of fraud, waste, or abuse, therefore no violation of the competitive bidding process occurred.

The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests, and made a particular reference of examples where denial of funding inflicts undue hardship on the applicants. The Aberdeen School District Order [FCC 07-63] in May 2007, and the Grand Rapids Public Schools Decision [DA 08-2364] in October 2008 applied the Bishop Perry Order and granted appeals pertaining to Ministerial and Clerical Errors within the competitive bidding process.

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Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. We will demonstrate (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

Please let me know if you have any questions, or if there is any additional information I can provide. We greatly appreciate your consideration of our appeal. Thank you for your time, effort, patience, and continued support of St Turibius School.

Stephen Weiss ON BEHALF OF ST TURIBIUS SCHOOL

Stephen Weiss
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Before the
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	
Appeal by St Turibius School	)	
Of Decision Of	)	
Universal Service Administrator	)	
	)	
St Turibius School	)	
Chicago, Illinois	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	CC Docket No. 96-45

(1) A Statement setting forth St Turibius School's interest in the matter presented for review.

In this matter presented for review, St Turibius School is the sole appellant organization. St Turibius School is seeking an Appeal to the Federal Communications Commission. St Turibius School wishes to appeal the USAC Administrator's Decision on Appeal for Form 471 Application Number 821886 FRN's 2238484 & 2238485 released December 12th, 2013.

(2) A full statement of relevant, material facts with supporting affidavits and documentation.

Appellant / Organization Name: St Turibius School
Consultant Name: Coleman Group Consulting
Consultant Registration Number: 16062788
Contact Person Name: Stephen Weiss
Contact Mailing Address: 233 South Wacker Drive Suite 3430
Contact Phone Number: 312-850-4134
Contact Fax Number: 312-893-2038
Contact Email Address: sweiss@colemangroupconsulting.com

Funding Year: 2011
Date of FCDL Decision: 7/1/2013
Billed Entity Name: St Turibius School
Billed Entity Number: 70614
Form 471 Application Number: 821886

Funding Request
Funding Request Numbers: 2238484 & 2238485
SPIN Code: 143033961
Commitment Amount: $28,894.94

On July 1st, 2013 St Turibius School's FRN's 2238484 & 2238485 were Not Funded because Form 470 # 617890000869057 indicated that we did not release an RFP, and on a subsequent USAC Review Checklist[1] dated 11/23/2011 we inadvertently categorized a document with descriptions of example projects[2] as an RFP. We attempted to correct the issue in a subsequent USAC Review Correspondence[3] dated 6/4/2012. The funding for St Turibius School was changed to Not Funded because of this miscommunication.

We subsequently appealed to USAC on August 18th, 2013. On December 12th, 2013 we received the Administrator's Decision on Appeal[4], denying our request and stating in part as follows:

- On the cited establishing FY 2011 FCC Form 470, you indicated that you did not intend to release a Request for Proposal (RFP) for the products and/or services that you sought within the above funding requests. During a review, it was determined that you issued an "Erate Project Narrative Description" which contained significantly more detail than the "services requested" listing on the Form 470.

(i) Special circumstances that warrant a deviation from the general rule

On 11/23/2011 USAC Review Checklists were submitted for 8 schools including roughly one thousand pages of documentation. Each checklist contained one section regarding RFP release and timing, where a document was inadvertently referred to as an RFP. The sole purpose was to inform potential service providers about the types of Internal Connections projects that schools were interested in and find out

[1] EXHIBIT 3 - Example USAC Review Checklist for Internal Connections Projects 11/23/2011
[2] EXHIBIT 2 - Project Narrative Description Document
[3] EXHIBIT 1 - USAC Review for Archdiocese of Chicago Internal Connections Projects 6/4/2012
[4] EXHIBIT 4 - USAC Administrator's Decision on Appeal 12/12/2013

their recommendations on how to complete the projects. The document was not tied to the Vendor Selection Criteria, and in fact none of the Service Providers chose to complete the document. The service providers instead were more interested in talking about projects over the telephone, and responding to the Form 470 with documentation of their own design.

(ii) Deviation from the general rule will serve the public interest.

St. Turibius School has developed leaders, believers, and achievers since 1928. It provides students with an excellent academic program, a values-based environment, enriching extracurricular opportunities, and many chances for leadership development. The administration and faculty are highly qualified, caring people who provide a highly effective, standards-based curriculum for their students. St. Turibius offers a warm, nurturing atmosphere which enables our children to grow and prosper to their fullest capacity. St Turibius School offers an excellent academic program centered upon a standards-based curriculum administered by highly qualified administration and faculty. The curriculum includes classes in Spanish, computers, physical education, library, and music. An Extended Day Program before and after school offers enriching extracurricular activities in a nurturing safe environment. Graduates are able to attend selective private and public high schools that provide excellent leadership opportunities for their future.

(3) The question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision.

In seven prior FCC decisions[5] the issuance of a document that may have been inadvertently perceived as an RFP, contrary to the indication on the Form 470 an RFP would not be released, has not been found harmful to the competitive bidding process:

- Hillsboro Independent School District [DA 08-2366] (10/30/2008)
- Approach Learning and Assessment [DA 08-2380] (10/30/2008)
- Green Bay School District [DA 10-2305] (12/6/2010)
- Ramirez Common School District, Realitos TX [DA 11-1039] (6/9/2011)
- Riverdale Unified & Cherokee County School Districts [DA 11-1370] (8/8/2011)
- Northwest Arctic Borough [part of DA 11-1974] (12/5/2011)
- Northeast Arizona Technological Institute of Vocational Education [DA 12-334] (3/6/2012)

In these decisions the FCC decided the information within the Form 470 was sufficient to allow service providers to bid on the services requested. Furthermore, there was no indication of fraud, waste, or abuse, therefore no violation of the competitive bidding process occurred.

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[5]Application for Review of the Decision of the Universal Service Administrator by Approach Learning and Assessment Centers, Santa Ana, CA, et al., File No. SLD-506121, et al., CC Docket No. 02-6
Application for Review of the Decisions of the Universal Service Administrator by Green Bay Area Public School District, Green Bay, WI, File Nos. SLD-681595, 692800, 681544, CC Docket No. 02-6
Application for Review of the Decision of the Universal Service Administrator by Hillsboro Independent School District, Richmond, TX, et al., File No. SLD-529671, et al., CC Docket No. 02-6
Review of the Decisions of the Universal Service Administrator by Northeast Arizona Technological Institute of Vocational Education, Kayenta, AZ, File No. SLD-532327, 536056, CC Docket No. 02-6
Application for Waiver of the Decision of the Universal Service Administrator by Al-Ihsan Academy, South Ozone Park, New York, et al., File Nos. SLD-575979, 582051, 582081 et al., CC Docket No. 02-6
Application for Review of the Decision of the Universal Service Administrator by Ramirez Common School District, Realitos, TX, File No. SLD-605575, CC Docket No. 02-6
Application for Review of the Decision of the Universal Service Administrator by Riverdale Unified & Cherokee County School Districts, File Nos. SLD-595033 & SLD-624508, et al., CC Docket No. 02-6

The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests[6]. The Aberdeen School District Order [FCC 07-63] in May 2007, and the Grand Rapids Public Schools Decision [DA 08-2364] in October 2008 applied the Bishop Perry Order and granted appeals pertaining to Ministerial and Clerical Errors within the competitive bidding process[7].

The FCC noted in the Aberdeen School District Order:

> Applicants committed minor errors in filling out their application forms, and they did not believe that such minor mistakes warrant the complete rejection of each of these applicants' E-rate applications. Importantly, like those appeals granted in the Bishop Perry Order, applicants' errors here could not have resulted in an advantage for them in the processing of their application. As such, the applicants' mistakes, if not caught by USAC, could not have resulted in the applicants receiving more funding than they were entitled to. Moreover, the Commission found in the Bishop Perry Order that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest. A waiver is warranted based on the circumstances presented and based on the facts that there is no evidence of waste, fraud or abuse.

- The goal of the competitive bidding process is to ensure that funding is not wasted because an applicant agrees to pay a higher price than is otherwise commercially available. There is no indication in the record that, as a result of these errors, applicants benefited from their mistakes or that any service provider was harmed. Specifically, there is no evidence in the record that

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[6] Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316 (2006) (Bishop Perry Order) [FCC 06-54]; Request for Review of the Decision of the Universal Service Administrator by Academy for Academic Excellence, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-539076, 539722, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 4747 (Wireline Comp. Bur. 2007) (Academy for Academic Excellence Order) (granting similar waivers to those granted in the Commission's Bishop Perry Order); see 47 C.F.R. § 54.507(c). [DA 07-1180]

[7] Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District, Aberdeen, WA, et al., File No. SLD-297249, et al., CC Docket No. 02-6
Request for Review of a Decision of the Universal Service Administrator by Grand Rapids Public Schools, Grand Rapids, MI, File No. SLD-524297, CC Docket No. 02-6

other bids were not considered because these applicants did not fully comply with our competitive bidding rules. We find that the policy underlying these rules, therefore, was not compromised due to Petitioners' errors. We find that denying these Petitioners requests for funding would create undue hardship and prevent these potentially otherwise eligible schools and libraries from receiving E-rate funding.

The Ministerial and Clerical Errors on the Funding Request and Review Process for St Turibius School did not result in an unfair advantage for them in the processing of their application. There is no waste, fraud or abuse. Denying the request for funding does create hardship and prevent St Turibius School from receiving E-rate funding.

The FCC's Grand Rapids Public Schools Decision:

- Grand Rapids committed unintentional, clerical errors when it initially inserted the incorrect FCC Form 470 number on its Funding Year 2006 application, and again when responding to PIA requests for additional information. The mistakes at issue here are sufficiently similar to those in the Bishop Perry Order. We do not believe, however, that these mistakes warrant the complete rejection of Grand Rapids' application for Erate funding. Rather, based on the record before us, we find that Grand Rapids complied with core program requirements. Importantly, Grand Rapids' appeal does not involve a misuse of funds and there is no evidence in the record that Grand Rapids engaged in activity to defraud or abuse the E-rate program. Thus, we find that denying Grand Rapids' request for funding would create undue hardship and prevent these otherwise eligible schools from receiving E-rate funding.
- As the Commission recently noted, the Erate program is fraught with complexity from the perspective of beneficiaries, resulting in a significant number of applications for E-rate support being denied for ministerial or clerical errors. We find that the action we take here promotes the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the Act), by helping to ensure that Grand Rapids obtains access to discounted telecommunications and information services. Rigid adherence to such application procedures in this case would result in an outcome conflicting with the statutory goal mandated by Congress of preserving and advancing universal service among schools and libraries most in need of support.

Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest[8]. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis[9]. Consistent with precedent[10], we have demonstrated (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

(4) A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.

St Turibius School seeks relief from the Universal Service Administrative Company's Decision to deny funding for their Internal Connection project in FRN's 2238484 & 2238485. St Turibius School seeks relief from this decision pursuant to:

- The Seven Prior FCC Decisions that have set precedent on this issue: 1) Hillsboro DA 08-2366, 2) Approach Learning DA 08-2380, 3) Green Bay DA 10-2305, 4) Ramirez DA 11-1039, 5) Riverdale & Cherokee DA 11-1370, 6) Northwest Arctic DA 11-1974, & 7) NATIVE DA 12-334
- The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests. Furthermore, The Aberdeen School District Order [FCC 07-63] in May 2007, and the Grand Rapids Public Schools Decision [DA 08-2364] in October 2008 applied the Bishop Perry Order and granted appeals pertaining to Ministerial and Clerical Errors within the competitive bidding process.

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[8] *Northeast Cellular Telephone Co. v FCC, 897 F.2d 1164, 11687*
[9] *WAIT Radio v. FCC, 418 F.2d 1153, 1159*
[10] *NetworkIP, LLC v. FCC, 548 F.3d 116, 125-128*

- Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. We have demonstrated (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

Thank you once again for taking the time to consider this appeal for St Turibius School. Please let me know if you have any questions. Thank you very much for all of your help. We greatly appreciate your time, effort, patience and continued support.

USAC
Universal Service Administrative Company

Schools and Libraries Division

Date: 06.04.12

Archdiocese of Chicago
Stephen Weiss

Response Due Date: 6.19.12 [Extension Granted through 6.26.12]

We are in the process of reviewing Funding Year(s) **2011** Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete our review, we need some additional information. The information needed to complete the review is listed below.

XClutel LLC FRNS:

- The establishing FCC Form 470 Application 617890000869057 did not issue an RFP, however one was released. Please explain how potential bidders knew of the requirements listed in the RFP when the Form 470 indicated no RFP was released.

On each Documentation Checklist submitted 11/23/2011, we incorrectly categorized the attached Word Document [Phone System Exhibit 11 – Project Narrative Descriptions] {Pages 3 & 4} entitled Project Narrative Descriptions 2010-12-08 as an RFP. That was a mistake on my part. Please accept my apology for the miscommunication. The purpose of this document was to provide example projects so that each service provider would let us know which types of projects they would be interested in, and specify the additional information they would need in order to propose a strategic recommendation for the completion of the projects

The requirements requested of each service provider were provided individually over the phone. Multiple conversations with the suppliers communicated one on one over the phone focused on developing a comprehensive response based upon the following criteria.

- Competitive Pricing
- Customer Service
- Account Management
- Billing
- Implementation Strategy
- Data / Reporting
- Customization

This criteria was used in the evaluation of their proposals with competitive pricing being the highest weighted item.

- You have indicated that the RFP was issued on 12/8/10 and due on 03/24/11 please explain why the contracts were signed prior to the due date.
  FRN 2237956, 2237957 CAD of 03/11/11
  FRN 2238373, 2238374 CAD of 03/15/11
  FRN 2237947, 2237946 CAD of 03/18/11
  FRN 2238482 CAD of 03/13/11

FRN 2237774, 2237775 CAD of 03/17/11
FRN 2238484, 2238485 CAD of 03/18/11
FRN 2238568 CAD of 03/18/11
FRN 2238379 CAD of 03/14/211

On each Documentation Checklist submitted 11/23/2011, we incorrectly listed the due date for the attached Word Document [Phone System Exhibit 11 – Project Narrative Descriptions] {Pages 3 & 4} as March 24th 2011. That was a mistake on my part. For each school the contract was signed after the proposals were submitted from each supplier. Please refer to the following chart of proposal submission dates compared to the Contract Award Dates for each FRN:

TIMELINE		PROPOSALS SUBMITTED					
SCHOOL	FRN(s)	JIVE	CSC	MVD	XCLUTEL	CONTRACT SIGNED	SUPPLIER SELECTED
Our Lady Of Charity	2237956, 2237957	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/11/2011	XCLUTEL
St Procopius	2238373, 2238374	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/15/2011	XCLUTEL
St Helen	2237947, 2237946	12/8/2010	12/17/2010	12/27/2010	3/12/2011	3/18/2011	XCLUTEL
St Philip Neri	2238482	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/13/2011	XCLUTEL
St Sylvester	2237774, 2237775	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/17/2011	XCLUTEL
St Turibius	2238484, 2238485	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/18/2011	XCLUTEL
Our Lady Of Tepeyac	2238568	12/8/2010	12/17/2010	12/27/2010	3/14/2011	3/18/2011	XCLUTEL
St Agnes Of Bohemia	2238379	12/8/2010	12/17/2010	12/27/2010	3/11/2011	3/14/2011	XCLUTEL

Please accept my apology for the miscommunication.

Lastly, please complete, sign, and date the attached certification and return with your response.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction, denial, or rescinding of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Courtney Santiago
USAC, Schools and Libraries Division
Phone: 973-581-7596
Fax: 973-599-6522
E-mail: CSantia@sl.universalservice.org

PHONE SYSTEM EXHIBIT 11
PROJECT NARRATIVE
DESCRIPTIONS

ERATE PROJECT NARRATIVE DESCRIPTIONS 2010-12-08

Project # 1 -> Create The Infrastructure

Additional phones need to be installed in the building with new phone lines, there is no way to communicate within the building, phones in rooms with intercom capability would be ideal. We need to bring wired telephone service to the classrooms, the gym, and several offices. We would also be interested in a new security camera facing the parking lot.

- The school has three buildings which are physically connected, yet different in their structural composition. The buildings have a basement and a first floor. The Gym is one of the three buildings.
- The walls are made of 26" cinder blocks.
- Currently the only wired phones are going to 2 offices on the first floor, with one additional line in the basement.
- There is no wireless phone service that works in the buildings, with the exception of perhaps a small peripheral area right next to one or more of the large windows that seem to have intermittent service.
- There is Wireless Internet Access that works in the vast majority of the classrooms and offices
- The Electrical service was recently re-done in the buildings. Therefore some of the work threading new conduit through the walls to the various rooms may already be complete. However, there is no parallel conduit in place for the telecommunications infrastructure.

Project # 2 -> Equipment-Only Request

We need pricing for:

- 100 Feet of Coax Cable...suitable for the extension of cable modem internet
- 1 Router
- Conduit for the cable
- Please include the available shipping methods. We would like to use our own shipping account numbers for inbound shipping.

Project # 3 -> Comprehensive Fiber-Optic Project

We are interested in a complete evaluation of the process of installing fiber-optic internet service to the school, including the following:

- The cost to prepare the IT / Server Room so that it fulfills all of the prerequisite requirements to bring the optical service into the building.
- The cost to provide the actual service on a monthly basis once the building is prepared.
- The cost to provide leased optical service (dark or lit) if available.
- Recommendations on whether subsequent components of the infrastructure need to be upgraded in order to carry the bandwidth to the classrooms properly, and the cost for these recommendations.

Project # 4 -> Cabling & Extension Project

We need to extend the current telecommunications infrastructure within an existing building, then cable across to and extend the infrastructure through a brand new building being built on the same property.

- The DMarc is on the lower level of one end of the building. The first floor (directly) above the DMarc already has phones and internet.
- We need to extend the existing telecommunications infrastructure (mainly phone) up to the second floor of the same building. The extension will be conveniently straight upward, into the room where the servers, routers, and networking equipment are currently kept.
- The next step is to cable across (aerially...probably internet only) to a new building that is being built on the same property.
- Once across to the new building, we need to extend the internet to each of the new classrooms, including wireless access points.

Project # 5 -> Handsets

We need to obtain the price for 32 handsets for an existing Toshiba CIX 670 phone system.

- The handsets can be display or non-display
- The handsets can be brand new or refurbished.
- Please include the available shipping methods. We would like to use our own shipping account numbers for inbound shipping.

I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of **St Sylvester School, St Helen School, Our Lady of Charity School, St Procopius School, St Agnes School, St Philip School, St Turibius School, Our lady of Tepayac School** the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. 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 acknowledge that false statements 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 declare under penalty of perjury that the foregoing is true and correct. Executed on 10TH day of JUNE, 2012 at CHICAGO [city], ILLINOIS [state].

ST SYLVESTER SCHOOL, ST HELEN SCHOOL, OUR LADY OF CHARITY SCHOOL, ST PROCOPIUS SCHOOL, ST AGNES SCHOOL, ST PHILIP NERI SCHOOL, ST TURIBIUS SCHOOL, & OUR LADY OF TEPEYAC SCHOOL

Signature Stephen Weiss ON BEHALF OF: ↑	Date 6/10/2012
Print Name STEPHEN WEISS	Title TECHNICAL CONSULTANT
Employer COLEMAN GROUP CONSULTING	
Telephone Number 312-850-4134 x107	Fax Number 312-893-2038
Email Address sweiss@colemangroupconsulting.com	
Address 134 NORTH LASALLE STREET SUITE 1400 CHICAGO, IL 60602-1181	

ST TURIBIUS SCHOOL CHECKLIST

Information Request Checklist, please complete and return with your responses
On the first page of each document you provide please write the corresponding FRN(s) the document pertains to.

Item #	Items to be returned to the E-Rate Reviewer	Document(s) Title & Corresponding FRN All documents pertain to FRN's 2238484, 2238426, 2238425, 2238424, 2238423, & 2238485 (except individual contracts)	Status
1.	Signed & dated contracts and/or other agreements with service providers related to the Form(s) 471	ST TURIBIUS CONTRACT	☐ Enclosed ☐ N/A
2	Request For Proposal (RFP) Please specify: **Release date:** **mo__12__/day_08_/year_2010___** **Due date: mo__3__/day_24_/year_2011___**	PROJECT NARRATIVE DESCRIPTIONS 2010-12-08	☐ Enclosed ☐ N/A
3	All bid responses received for all **Priority I & Priority II** funding requests. If no bids were received for any FRN, please indicate so in writing. It may be helpful to include a chart as indicated below: Appl # | FRN # | #of bids received | Vendor selected | | | |	Please see the enclosed chart below.	☐ Enclosed ☐ N/A
4	Vendor selection process description (created during the bidding process)	Please see the description below.	☐ Enclosed ☐ N/A
5	Was a consultant used relating to the planning, implementation and support of your E-Rate funding requests? ☐ Yes ☐ No If yes, provide a signed and dated Consultant Agreement(s) or Letter of Agency	Yes, A consultant was used in support of E-Rate funding requests. ST TURIBIUS SCHOOL LOA	☐ Enclosed ☐ N/A
6	Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process	Please see the notes below ST TURIBIUS ERATE CORRESPONDENCE	☐ Enclosed ☐ N/A
7	Organizational Structure, such as organizational flow chart, reporting structure, etc.	Please see the notes below	☐ Enclosed ☐ N/A
8	Certification(include signature, title, and date)	ST TURIBIUS SCHOOL CERTIFICATION	☐ Enclosed

NOTES ON SPECIFIC ITEMS IN THE CHECKLIST ABOVE:

2. Request For Proposal (RFP):

Each prospective service provider was sent a list of descriptions of potential projects in order to determine which projects they may be interested in. This list of projects was sent in exactly the same format to every service provider. The only change was to the date listed at the top of the list of projects, as well as the title of the attachment. The list of projects was first made available on December 8th, 2010.

3. All bid responses received for all Priority I & Priority II funding requests.

Application #	FRN #	#of bids received	Vendor Selected
821886	2238484	3	XClutel Communications
821886	2238485	3	XClutel Communications
821863	2238426	3	Verizon Wireless
821863	2238425	7	Comcast Business Communications
821863	2238424	2	SBC Long Distance, LLC
821863	2238485	3	Illinois Bell Telephone Company

4. Vendor selection process description (created during the bidding process).

1. Who conducted the vendor selection process? Explain each individual's level of involvement.

St Turibius School made all final decisions regarding the service provider selection for the funding requests for their project. The criteria St Turibius School used to make their selection includes:

- The ability to implement the project quickly and thoroughly without service interruptions
- Dedicated Account Management, Customer Service, and Technical Support
- Competitive Pricing
- The Service Provider's ability to customize the solution specifically for their school

As St Turibius School discussed the project they wanted to file in detail, Coleman Group described the process of filing the Form 470 and evaluating the responses from different service providers. St Turibius School was made verbally aware of the steps in the competitive bidding process.

2. How the entity was made aware of the decisions/steps in the competitive bidding process?

St Turibius School was initially made aware of the fact that they had a very good chance of getting an internal project funded for their school. Coleman Group discussed the various eligible categories that were available to them. Once St Turibius School decided on a project they wanted to file for funding, Coleman Group outlined the timing of the steps necessary to complete the E-Rate process. Coleman

Group talked with St Turibius School about the Form 470 and the described verbally the steps in the competitive bidding process.

3. Who made the final decisions pertaining to the competitive bidding process, specifically, vendor selection?

The final decision to move forward with generating the estimate for the project was made by St Turibius School. St Turibius School met with XClutel Communications and agreed they were comfortable moving forward with the project. XClutel drafted a particular version of their contract that will only go into effect upon approval from E-Rate, and specifically upon St Turibius School filing the Form 486. Once the Form 471 is approved, the school will decide whether or not they ultimately would like to move forward with the project for their school by filing the Form 486 and initiating the contract.

6. Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process.

Attached is a scanned image of the written correspondence between the selected service provider (XClutel Communications), the Consultant (Coleman Group Consulting) and St Turibius School regarding the E-Rate funding process for 2011 / 2012. We have already sent a separate email with scanned images of all of the correspondence with each service provider.

7. Organizational Structure, such as organizational flow chart, reporting structure, etc.

The Applicant is St Turibius School. Coleman Group Consulting is the Consultant used by St Turibius School in support of the ERate funding requests. XClutel Communications is the Service Provider. As per the instructions of this request, since each organization functions in a single mutually exclusive capacity, we haven't included organizational charts.

Administrator's Decision on Appeal – Funding Year 2011-2012

December 12, 2013

Stephen Weiss
Coleman Group Management Consulting
233 South Wacker Drive, Suite 3430
Chicago, IL 60606

Re:	Applicant Name:	ST TURIBIUS SCHOOL
	Billed Entity Number:	70614
	Form 471 Application Number:	821886
	Funding Request Number(s):	2238484, 2238485
	Your Correspondence Received:	August 29, 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 2011 Funding Commitment Decision 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): 2238484, 2238485
Decision on Appeal: **Denied**
Explanation:

- According to our records, on the cited establishing FY 2011 FCC Form 470, you indicated that you did not intend to release a Request for Proposal (RFP) for the products and/or services that you sought within the above funding requests. During a review, it was determined that you issued an "Erate Project Narrative Description" which contained significantly more detail than the "services requested" listing on the FCC Form 470. FCC rules require applicants to "submit a complete description of services they seek so that it may be posted for competing service providers to evaluate" and formulate bids. The applicant's FCC Form 470 should inform potential bidders if there is, or is likely to be, a Request for Proposal (RFP) issued for services requested. It was determined that the Erate Project Narrative Description issued is a de facto RFP in that it contains service descriptions that go beyond that listed on the FCC Form 470. Since you

failed to inform potential service providers that an RFP was available for the products and/or services requested, you have violated the competitive bidding process of this support mechanism. On appeal, you state that in your response to a USAC information request, you inadvertently categorized the Project Narrative Description as an RFP and that the Erate Project Narrative Description is not an RFP. During the appeal review process, it was determined that since the Project Narrative Description contains descriptions of specific services sought and gives an indication that pricing/bids were sought from those service providers who were recipients of this document. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, the appeal is denied.

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

Stephen Weiss
Coleman Group Management Consulting
233 South Wacker Drive, Suite 3430
Chicago, IL 60606

Billed Entity Number:	70614
Form 471 Application Number:	821886
Form 486 Application Number:	