

CC DOCKET NO. 02-6 IN THE MATTER OF APPEAL FOR POPE JOHN PAUL II CATHOLIC SCHOOL  
 CC DOCKET NO. 96-45 OF THE DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR

Received & Inspected

FFR 20 2014

FCC Mail Room

**ColemanGroup**  
 MANAGEMENT CONSULTING

233 South Wacker Drive, Suite 3430  
 Chicago, Illinois 60606  
 P 312.850.4134 F 312.893.2038  
 www.colemangroupconsulting.com

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

Attached is an Appeal for Pope John Paul II Catholic School (BEN: 70648). On June 20, 2013 we received a Commitment Adjustment Letter for FRN 2238784 in the amount of \$46,000.

The reason the CAL was issued is because Form 470 # 617890000869057 indicated that we did not release an RFP, and on subsequent USAC Review Checklists (for schools other than Pope John Paul II School) 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 Pope John Paul II School was changed to Not Funded because of this miscommunication. Pope John Paul II School's project had already been completed because the project was originally funded. The project would not have moved forward had the school expected to pay the full amount. We subsequently appealed to USAC on August 18<sup>th</sup> 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.

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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.

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 Pope John Paul II Catholic School.



ON BEHALF OF  
POPE JOHN  
PAUL II  
CATHOLIC  
SCHOOL

Stephen Weiss  
312-850-4134 x107 (w)  
630-430-7342 (cl)  
sweiss@colemangroupconsulting.com

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	)	
Appeal by Pope John Paul II Catholic School	)	
Of Decision Of	)	
Universal Service Administrator	)	
	)	
Pope John Paul II Catholic 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 Pope John Paul II School's interest in the matter presented for review.**

In this matter presented for review, Pope John Paul II Catholic School is the sole appellant organization. Pope John Paul II Catholic School is seeking an Appeal to the Federal Communications Commission. Pope John Paul II Catholic School wishes to appeal the USAC Administrator's Decision on Appeal for Form 471 Application Number 822024 FRN 2238784 released December 12th, 2013.

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

Appellant / Organization Name: Pope John Paul II Catholic 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](mailto:sweiss@colemangroupconsulting.com)

Funding Year: 2011  
Date of FCDL Decision: 6/20/2013  
Billed Entity Name: Pope John Paul II Catholic School  
Billed Entity Number: 70648  
Form 471 Application Number: 822024

## **Funding Request**

Funding Request Number: 2238784

SPIN Code: 143010218

Commitment Amount: \$45,999.90

On June 20, 2013 Pope John Paul II Catholic School received a Commitment Adjustment Letter<sup>1</sup> for FRN 2238784 in the amount of \$45,999.90. The reason the CAL was issued is because Form 470 # 617890000869057 indicated that we did not release an RFP, and on subsequent USAC Review Checklists<sup>2</sup> (for schools other than Pope John Paul II School) dated 11/23/2011 we inadvertently categorized a document with descriptions of example projects<sup>3</sup> as an RFP. We attempted to correct the issue in a subsequent USAC Review Correspondence<sup>4</sup> dated 6/4/2012. The funding for Pope John Paul II School was changed to Not Funded because of this miscommunication. Pope John Paul II School's project had already been completed because the project was originally funded. The project would not have moved forward had the school expected to pay the full amount.

We subsequently appealed to USAC on August 18<sup>th</sup>, 2013. On December 12th, 2013 we received the Administrator's Decision on Appeal<sup>11</sup>, 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. None of the 8 schools were Pope John Paul II Catholic School. 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

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<sup>1</sup> EXHIBIT 1 - Pope John Paul II School Commitment Adjustment Letter

<sup>2</sup> EXHIBIT 4 - Example USAC Review Checklist for Internal Connections Projects 11/23/2011

<sup>3</sup> EXHIBIT 3 - Project Narrative Description Document

<sup>4</sup> EXHIBIT 2 - USAC Review for Archdiocese of Chicago Internal Connections Projects 6/4/2012

<sup>11</sup> EXHIBIT 5 - USAC Administrator's Decision on Appeal 12/12/2013

Connections projects that schools were interested in and find out 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.**

Pope John Paul II Catholic School opened its doors on August 25, 1999 in the Brighton Park neighborhood on the Southwest side of Chicago. They provide hands-on and student-centered teaching to help children reach their full academic potential. Pope John Paul II School is proud to report that 100% of their graduates move onto high school. Their teachers are eager to assist students in the completion of scholarship applications and provide detailed references whenever possible.

Their class sizes are between 20 and 26 students per class, allowing their experienced teaching staff to work closely to help each individual student succeed. The staff provides differentiated instruction designed to meet the needs of individual students. Teachers explore the latest instructional strategies proven effective in teaching, in accordance with state standards, and in raising standardized test skills. All teachers continually seek and participate in professional development programs based on their individual teaching areas of concentration. Our teaching staff has created a number of hands-on learning opportunities for students to enhance their knowledge and learning particularly in science. The academic program includes not only the base subjects of reading, math, science and social studies, but also a full range of special instruction in music, computer, & physical education etc. To meet student needs, Pope John Paul II School offers a number of tutoring opportunities.

Students have extensive opportunities to use computers, both the classroom as well as in a refurbished computer lab. Students also receive computer instruction directly from a talented teacher, who works with classroom teachers to integrate computer instruction into the general curriculum. For example, students use computers extensively in the science program to aid in conducting and documenting experiments. Special software is available to assist teachers in meeting the individual learning needs of students in both math and science. The school has recently acquired new laptops for each classroom and additional computers for the lab to update the technology-based learning.

Pope John Paul II Catholic School attends to the needs of all of our families by providing care for children before and after school from 6:45AM to 6:00PM including breakfast and a snack after school. The program offers nurturing and safe care at a very reasonable cost. Students have the option of

participating in teacher-led Enrichment Classes after school, including: Math Games, Dance Class, Cooking & Nutrition Class, Arts & Crafts, Chess Club, Puzzle Mania, Science/Computer Club, Choir, Newspaper, Scrapbooking and Homework Assistance. Students can also join Soccer, Basketball and Volleyball.

Here are some examples of activities Pope John Paul II Catholic School have been involved with to lead their community:

- Before Thanksgiving Holidays for the last 13 years, the students collect cans of food to donate to a neighborhood Food Depository
- Before Christmas Holidays Pope John Paul II Catholic School temporarily adopts a few families in great need and the students collect food, money, and clothing for them.
- Delivered a traditional Mexican meal of tamales to the neighborhood firehouse on Christmas morning.
- The students wrote and hand-delivered letters of gratitude to local police officers and fireman to honor the many heroes who lost their lives on September 11<sup>th</sup>
- On Veteran's Day the students invited Veterans from the neighborhood to attend a celebration where they shared poems and stories, created artwork and sang patriotic songs.
- The students collect money for a program called Operation Rice Bowl which provides food to hungry and impoverished people around the world.
- Celebrated Earth Day with a local garbage pick-up and made small planters out of recycled milk cartons to introduce a new neighborhood recycling program.
- The students participated in a Stop The Violence Youth Art Show where they express their creativity through paintings, drawings, songs, poetry, and dance with a message that they want to grow up in a safe and peaceful neighborhood.
- After participating in a poster contest to illustrate the health benefits of their favorite fruit and vegetable, as well as several other nutrition education activities...Pope John Paul II Catholic School was awarded a Fresh Fruit & Vegetable Grant by the Illinois State Board of Education

Pope John Paul II Catholic School provides a full and half day preschool program for 3 and 4 year old children. The Preschool program provides many unique features to enhance children's early learning and development and prepare them for the grades ahead at Pope John Paul II School. The program participates in the Illinois State Preschool for All Program and is part of Early Reading First, sponsored by the University of Illinois, Chicago. The program is recognized by the Archdiocese of Chicago and Illinois State Board of Education. There are extra-curricular activities available for the pre-school students

as well including sports! The Pre-Kindergarten each have a full-time teaching assistant to provide additional individualized attention to the younger students.

Pope John Paul II Catholic School provides a safe, family-oriented school for children to succeed in education and in life. Our students and families want to come to school because they know that it's safe to focus on learning and growing up. Our loving school families participate in the parent patrol through the Brighton Park Neighborhood Council to ensure that the students are safe from outside influences during their school day. They have also created a unique Parent Organization that allows for fun events, special meals, and resources to be available to the children. The faculty and staff know the students by name, and form a strong family-oriented bond to protect and help the students succeed. Families also participate in fun activities with their children at events such as WinterFest, Halloween dance, family reading, game, and science nights.

**(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<sup>5</sup> 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)

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<sup>5</sup>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

- 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<sup>6</sup>. 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<sup>7</sup>.

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

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<sup>6</sup> 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]

<sup>7</sup> 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

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 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 Pope John Paul II 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 Pope John Paul II 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 E-rate 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 E-rate 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<sup>8</sup>. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis<sup>9</sup>. Consistent with precedent<sup>10</sup>, 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.**

Pope John Paul II Catholic School seeks relief from the Universal Service Administrative Company's Commitment Adjustment Letter released June 20th, 2013. In this letter, the Universal Service Administrative Company (USAC) rescinded Pope John Paul II Catholic School's funding for a project already completed in the amount of \$45,999.90. Pope John Paul II Catholic School is currently in a Red Light Status due to the Commitment Adjustment Letter in the amount of \$45,999.90. We would like to ask that Pope John Paul II Catholic School's Red Light Status be removed so that they can file for ERate going forward.

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<sup>8</sup> *Northeast Cellular Telephone Co. v FCC*, 897 F.2d 1164, 11687

<sup>9</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159

<sup>10</sup> *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128

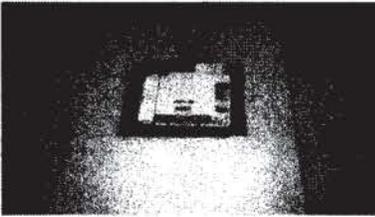
Pope John Paul II School seeks relief from the Universal Service Administrative Company's Decision to deny funding for their Internal Connection project in FRN 2238784. Pope John Paul II School seeks relief from this decision pursuant to:

- 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.
- 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 Pope John Paul II Catholic 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.



Runs lead directly to 6 classrooms within the Francisco Building. Classrooms receive the wire through white wire-mold wherever the cable would be visible within the rooms themselves, and 1 inch conduit in the closets, coat rooms, and hallways. The cable plugs into strategically located jacks in each classroom.



**Intermediate Distribution Frame (IDF)** - The MDF connects to the IDF in the Richmond building in a 3/4" rigid thick walled conduit run underneath the canopy between the 2 buildings. The IDF contains wire managers and switches that serve as a distribution point for cables within the Richmond Building. The connections between the MDF and the IDF's are 6-strand optical fiber, and then cross-connects link each of the 14 individual classrooms in the Richmond Building to the overall

Local Area Network. Thin wall conduit sleeves with fire stop are installed throughout both buildings where needed.

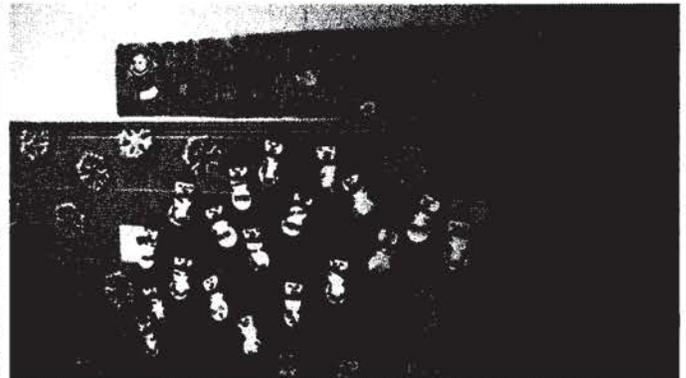
**Wireless Access Points** - Cable runs from the MDF and IDF also lead to Newly installed Proxim AP700 Access Points in the hallways of each building. The access points are strategically located throughout the building to provide maximum access to the internet.



**The Main Office & Library** - In addition to the individual classrooms, the Network extends directly into Pope John Paul II School's Main Administrative Office and their Library. The administrative staff and their computers and other peripheral equipment are seamlessly integrated with each classroom, allowing them to lead the school from a central focal point of communication. Teachers and students can bring their laptops to the library and connect to the internet anywhere in the room. The infrastructure leads directly from the MDF to the inside the Library and creates an environment where entire classes can simultaneously access the internet.



Pope John Paul II School's entire technological infrastructure has been completely transformed into a cohesive unit through this E-Rate project, and the work itself is so clean that when someone enters the school they barely notice the infrastructure itself. This is a testament to the high quality of service Diamond Technologies put into this project.



Notification of Commitment Adjustment Letter

Funding Year 2011: July 1, 2011 - June 30, 2012

June 20, 2013

STEPHEN WEISS  
POPE JOHN PAUL II CATHOLIC SCHOOL  
134 NORTH LASALLE STREET SUITE 1400  
CHICAGO, IL 60602 1181

Re: Form 471 Application Number: 822024  
Funding Year: 2011  
Applicant's Form Identifier: PJPICACHI2011I  
Billed Entity Number: 70648  
FCC Registration Number: 0006116685  
SPIN: 143010218  
Service Provider Name: Diamond Technologies, Inc  
Service Provider Contact Person: Gustav Anderson

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

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

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received 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 email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. 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 USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the 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.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Gustav Anderson  
Diamond Technologies, Inc

Funding Commitment Adjustment Report for  
Form 471 Application Number: 822024

Funding Request Number:	2238784
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143010218
Service Provider Name:	Diamond Technologies, Inc
Contract Number:	N/A
Billing Account Number:	N/A
Site Identifier:	70648
Original Funding Commitment:	\$45,999.90
Commitment Adjustment Amount:	\$45,999.90
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$45,999.90
Funds to be Recovered from Applicant:	\$45,999.90
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On the 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. During a review, it was determined that you did issue an RFP- during the competitive bidding review copies of the RFP along with the date issued and due date were provided. 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 applicants FCC Form 470 should inform potential bidders if there is, or is likely to be, an RFP relating to particular services indicated on the form to enable potential bidders to reasonably determine the needs of the applicant. Since you failed to inform potential bidding service providers that an RFP was available for the products and/or services requested, you violated the competitive bidding process. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

STEPHEN WEISS  
POPE JOHN PAUL II CATHOLIC SCHOOL  
233 SOUTH WACKER DRIVE SUITE 3430  
CHICAGO, IL 60606

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 24<sup>th</sup> 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						CONTRACT SIGNED	SUPPLIER SELECTED
	SCHOOL	FRN(s)	JIVE	CSC	MVD	XCLUTEL		
	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](mailto:CSantia@sl.universalservice.org)

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## 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.

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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 10<sup>TH</sup> 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 <i>Stephen Weiss</i>	ON BEHALF OF: ↑	Date 6/10/2012
Print Name STEPHEN WEISS	Title TECHNICAL CONSULTANT	
Employer COLEMAN GROUP CONSULTING		
Telephone Number 312-850-4334x107	Fax Number 312-893-2038	
Email Address sweiss@colemengroupconsulting.com		
Address 134 NORTH LA SALLE STREET SUITE 1400 CHICAGO, IL 60602-1181		

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# ST PROCOPIUS 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 2238328, 2238373, 2238374, & 2238316 (except individual contracts)	Status								
1.	Signed & dated contracts and/or other agreements with service providers related to the Form(s) 471	ST PROCOPIUS CONTRACT	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A								
2	Request For Proposal (RFP) Please specify: Release date: mo <u>12</u> /day <u>08</u> /year <u>2010</u> Due date: mo <u>3</u> /day <u>24</u> /year <u>2011</u>	PROJECT NARRATIVE DESCRIPTIONS 2010-12-08	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A								
3	All bid responses received for all <b>Priority I &amp; Priority II</b> 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: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Appl #</th> <th>FRN #</th> <th>#of bids received</th> <th>Vendor selected</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Appl #	FRN #	#of bids received	Vendor selected					Please see the enclosed chart below.	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A
Appl #	FRN #	#of bids received	Vendor selected								
4	Vendor selection process description (created during the bidding process)	Please see the description below.	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A								
5	Was a consultant used relating to the planning, implementation and support of your E-Rate funding requests? <input type="checkbox"/> Yes <input type="checkbox"/> 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 PROCOPIUS SCHOOL LOA	<input type="checkbox"/> Enclosed <input type="checkbox"/> 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 PROCOPIUS ERATE CORRESPONDENCE	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A								
7	Organizational Structure, such as organizational flow chart, reporting structure, etc.	Please see the notes below	<input type="checkbox"/> Enclosed <input type="checkbox"/> N/A								
8	Certification(include signature, title, and date)	ST PROCOPIUS SCHOOL CERTIFICATION	<input type="checkbox"/> Enclosed								