



# Northeast Arizona Technological Institute of Vocational Education

P.O. Box 710 • Kayenta, AZ 86033

April 9 2014

Letter of Appeal

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

## CC Docket No 02-6

**Request for Review** of Two Administrator's Decisions on Appeal, both for Funding Year 2006-07, Issued February 27, 2014: Form 471 Application Numbers 532327 and 536056

### Authorized person who can best discuss this Appeal with you

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102  
Fax: (866) 569-3019  
Email: [rlarson@erate360.com](mailto:rlarson@erate360.com)  
(preferred mode of contact)

### Application Information

<u>Entity</u>	NATIVE Vocational District Office
<u>Billed Entity Number</u>	16032082
<u>Form 486 Number</u>	991178
<u>Service Provider / SPIN</u>	BNI Solutions, LLC / 143005529
<u>Service Start Date per Form 486</u>	07/01/2006 (FY 2006-07)
<u>Service Start Date per Notification Letter</u>	07/23/2013

<u>FRN</u>	<u>Original Funding Commitment</u>	<u>Funding Now Available for FY 2006-07</u>	<u>FRN</u>	<u>Original Funding Commitment</u>	<u>Funding Now Available for FY 2006-07</u>
<u>Form 471 # 532327:</u>			1483892	\$7,740.00	\$0.00
1470438	\$73,754.16	\$0.00	1483925	\$7,740.00	\$0.00
<u>Form 471 # 536056:</u>			1483964	\$7,740.00	\$0.00
1483288	\$5,934.60	\$0.00	1483993	\$7,740.00	\$0.00
1483352	\$5,934.60	\$0.00	1484029	\$7,740.00	\$0.00
1483401	\$5,934.60	\$0.00	1484066	\$7,740.00	\$0.00
1483636	\$5,934.60	\$0.00	1484122	\$9,000.00	\$0.00
1483698	\$5,934.60	\$0.00	1484210	\$12,145.63	\$0.00
1483745	\$5,934.60	\$0.00	1484246	\$5,118.41	\$0.00
1483846	\$5,934.60	\$0.00	1484278	\$1,737.45	\$0.00
				<b>\$189,737.85</b>	<b>\$0.00</b>

Documents Being Appealed: Two Administrator's Decisions on Appeal, both for Funding Year 2006-07, Issued February 27, 2014: Form 471 Application Numbers 532327 and 536056<sup>1</sup>;

<sup>1</sup> Two letters from Schools and Libraries Division, USAC, to Richard Larson, Consultant for NATIVE Vocational District Office, both entitled "Administrator's Decision on Appeal – Funding Year 2006-2007", issued February 27,

denying appeal of Form 486 Notification Letter – Funding Year 2006, SPIN 143005529, Issued on December 11, 2013<sup>2</sup>

Decision on Appeal: Denied

Explanation:

Upon thorough review of the appeal letter and relevant documentation, USAC has determined that the Form 486 for the funding request(s) was not filed within 120 days calculated from the date of the Revised Funding Commitment Decision Letter (RFCDL) or the Service Start Date (SSD) as indicated on the Form 486, whichever date is later. The record shows that the date of the RFCDL is May 30, 2013 [Form 471 # 532327] / June 13, 2013 [Form 471 # 536056] and that the SSD indicated on the Form 486 was July 1, 2006. The Form 486 was postmarked and certified on November 20, 2013. Since the Form 486 was postmarked and certified more than 120 days after the date of the RFCDL, the SSD has been revised to the date 120 days before the Form 486 postmark date, which is July 23, 2013. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. See FY2006 Funding Commitment Decision Letter, and Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. As a result, the appeal is denied.

**Request for Review:**

NATIVE Vocational District Office (NATIVE) requests that the FCC reverse SLD's decisions to adjust the Form 486 Service Start Date (SSD) according to the 120-Day rule for the 18 FRNs listed above and accept the 07/01/2006 SSDs requested on Form 486 # 991178, thereby restoring the total funding of \$189,737.85 to funding year 2006. The adjustment of the Service Start Date, based upon an oversight of an administrative deadline in the midst of turnover of the Superintendent's position, effectively deprives NATIVE of the full \$189,737.85 of funding desperately needed for its operation and continued fiscal solvency. NATIVE is certain that mitigating circumstances discussed below will convince the Commission that application of an administrative rule in this case does not serve the public interest, in particular the severely under-resourced programs operated by NATIVE and the students being educated in those programs.

**Background:**

The original FCDLs denying funding for these FRNS were issued on 8/15/2006 for FRN 1470438 (Form 471 # 532327) and on 10/3/2006 for the 17 FRNs in Form 471 # 536056. NATIVE filed appeals with SLD for all 18 FRNs, and when those appeals were denied (on 12/20/2006 for FRN 1470438 and 1/4/2007 for the other 17 FRNs), NATIVE filed an appeal with the FCC on 1/27/2007.

The FCC approved the appeal on 3/12/2012,<sup>3</sup> and after a lengthy review process, SLD issued Revised FCDLs for the FRNs on 5/30/2013 and 6/13/2013. Please note that these Revised FCDLs were issued at the time the incumbent Superintendent, Karen Leshner, was

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2014, and regarding Form 486 Application Number 991178. First letter is in regard of Form 471 Number 532327 (FRN 1470438), second letter is in regard of Form 471 Number 536056 (17 FRNs listed above).

<sup>2</sup> Letter from Schools and Libraries Division, USAC, to Scott Kimble, BNI Solutions LLC, entitled "Form 486 Notification Letter – Funding Year 2006", dated December 11, 2013.

<sup>3</sup> DA 12-334, March 6, 2012, "Northeast Arizona Technological Institute of Vocational Education, Kayenta, Arizona", File Nos. SLD- 532327, 536056, CC Docket No. 02-6.

preparing to retire and the new Superintendent, Ron Tsosie, was preparing to take over the position.

### **Mitigating Circumstances:**

NATIVE is an overlay Career Technical Education (CTE) district which spans 22,000 square miles throughout three counties, entirely within the Navajo Nation, servicing approximately 2,200 CTE students in grades 10 through 12. The average distance between NATIVE sites is 101 miles and 78% of the roads between sites are unimproved dirt roads.

NATIVE's entire E-rate process is handled by the Superintendent of the District. The Superintendent duties cover all aspects of operating this school district including curriculum and instruction for NATIVE students, program quality and implementation, technology oversight, compliance with budgets, purchasing procedures, public relations, Governing Board meetings, facilities and new construction, legislative review, inventory of school site NATIVE equipment, security, and E-rate. NATIVE is the epitome of an understaffed, underfunded, and impoverished school district. Managing the NATIVE operation requires staggering amounts of travel – the eight schools are between 1½ and 3½ hours from the Superintendent's office. Travel figures heavily into the Superintendent's 12-15 hour workdays, and greatly limits the Superintendent's time to devote to E-rate duties; at times, administrative details of the E-rate process are overlooked.<sup>4</sup>

At the time the Revised FCDLs were issued (on 5/30 and 6/13/2013) for these FRNs, and during the 120 day period allowed for filing the Form 486, several factors combined with the overwhelming workload of the NATIVE Superintendent:

- The Superintendent's position with its myriad of duties was transitioning from Ms. Leshar to Mr. Tsosie. Ms. Leshar retired effective 6/30/2013.
- While Ms. Leshar was experienced in E-rate procedures and rules, Mr. Tsosie was new to the E-rate system.
- Up until her departure, Ms. Leshar had prepared and filed all forms for NATIVE and used the services of an E-rate consultant, eRate 360 Solutions, on an occasional by-request-only basis starting in April of 2008.
- In October, 2013, Mr. Tsosie contracted eRate 360 Solutions to prepare and file forms for NATIVE. This required eRate 360 Solutions to research and familiarize itself with a decade of E-rate activities they had previously not been privy to.
- From July through November of 2013, NATIVE and its E-rate consultant were dealing with E-rate actions involving *seven* different funding years, 37 FRNs, and \$5 million of funding:
  - FY 2004: Actions resulting from an FCC appeal approval in September for three FRNs and finding of \$666K, including assisting in filing of Form 474 by a service provider.<sup>5</sup>
  - FY 2005: Preparing and filing invoice extension requests for six FRNs with funding of \$2,243K.<sup>6</sup> Preparing and filing a correcting service substitution request for an FRN requesting \$354K of funding.<sup>7</sup>

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<sup>4</sup> Letter from Karen C. Leshar, Superintendent of NATIVE, dated May 7, 2013. *This letter was written by Ms. Leshar to document the Request for Waiver filed with the FCC on 5/13/13. The letter briefly describes the NATIVE district, the community, the Superintendent's duties, and the difficulties in managing the E-rate process. The letter includes a map of the district with travel times from the District Office to each of the schools.*

<sup>5</sup> DA 13-1850, August 30, 2013, "*Bishop Stang High School, Dartmouth, Massachusetts et al.*", File Nos. SLD-813488, et al., CC Docket No. 02-6.

<sup>6</sup> Email from Carlos Alvarez, eRate 360 Services (consultant for NATIVE), to SLD, sent 8/22/13, subject: *SLD Inquiry #: 22-530836 Received.*

<sup>7</sup> Correcting Service Substitution Request for NATIVE Vocational District, Form 471 # 466111, FRN 1333657, files 11/7/2013. *This request was filed as a result of the Administrator's Decision on Service Substitution Request, re Form 471 # 466111, FRN 1333657, issued 8/26/2013.*

- FY 2010: Preparing and filing invoice extension requests for three FRNs with funding of \$5K.<sup>8</sup>
- FY 2011: Preparing and filing invoice extension requests for four FRNs with funding of \$10K.<sup>9</sup>
- FY 2012: Continuing and concluding a lengthy and complex PIA review begun in April 2013 with Ms. Leshar involving 14 FRNs requesting \$897K of funding.<sup>10</sup>
- FY 2013: Responding to a PIA review involving 6 FRNs requesting \$782K of funding.<sup>11</sup>
- FY 2014: Started preparation of Form 470 for the coming funding year.
- Various correspondence sent to NATIVE from SLD was not addressed promptly because its importance was not recognized by new administrative staff unfamiliar with E-rate, or because it was misplaced in the myriad of E-rate actions in process, as listed above.

In November 2013, while researching past funding years' activities, the consultant discovered that a Form 486 had never been filed for these 18 FY 2009 FRNs, and promptly filed Form 486 # 991178.

NATIVE respectfully requests the SLD to consider the tumultuous situation it found itself in in the latter half of 2013, with a new Superintendent taking the reins of the NATIVE district who was unfamiliar with the E-rate process, the multiplicity of funding years and actions being taken, support from a consultant which itself was unfamiliar with the tangled details of the previous decade. In a single year, 2013, a single action was overlooked – the filing of a Form 486 for the 18 FRNs listed above. NATIVE is being unduly punished for an administrative oversight which was corrected as soon as it was discovered. It is inconceivable that any good purpose is served by depriving the students of NATIVE this badly needed \$190K of funds.

**Alaska Gateway School District, Tok, AK, et al:**

Applicants like Mr. Tsosie often are overwhelmed by the complex requirements of the E-rate process, and their demanding work schedules at times interfere with meeting deadlines. Mr. Tsosie was further frustrated by the demands of assuming this responsible position and being confronted with numerous E-rate actions involving most of the funding years for the previous decade.

In its *Alaska Gateway* ruling the Commission clearly took this very sort of situation into account, stating that:

As we recently noted in *Bishop Perry Middle School*, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest. Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to

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<sup>8</sup> Email from Carlos Alvarez, eRate 360 Services (consultant for NATIVE), to SLD, sent 9/6/13, subject: *SLD Inquiry #: 22-536158 Received*.

<sup>9</sup> Email from Carlos Alvarez, eRate 360 Services (consultant for NATIVE), to SLD, sent 9/6/13, subject: *SLD Inquiry #: 22-536133 Received*.

<sup>10</sup> Letters from SLD to Carlos Alvarez, consultant for NATIVE, re Applications # 871949, dated 9/30/2013 and 10/22/2013.

<sup>11</sup> Letters from SLD to Carlos Alvarez, consultant for NATIVE, re Applications # 921028, dated 9/9/2013, 9/19/2013, and 10/11/2013.

complete the forms. Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted.<sup>12</sup>

NATIVE respectfully contends that the Commission's recognition of the difficulties faced by applicants such as Mr. Tsosie ought to be applied to this particular situation. We ask the Commission to apply its Alaska Gateway ruling regarding the administrative deadline for submission of the Form 486 and accept the Service Start Dates on Form 486 991178, thereby restoring the total funding of \$189,737.85 to these 18 FRNs for funding year 2006.

NATIVE appreciates the Commission's consideration of this appeal. We are available to respond to questions or to provide any further information requested by the Commission.

**Authorized signature for this Appeal**<sup>13</sup>



Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Date: 4/9/14

Phone: (888) 535-7771 ext 102  
Fax: (866) 569-3019  
Email: [rlarson@erate360.com](mailto:rlarson@erate360.com)

<sup>12</sup> DA 06-1871, September 14, 2006, "*Alaska Gateway School District, Tok, AK, et al.*", File Nos. SLD-412028, et al., CC Docket No. 02-6; p. 5.

<sup>13</sup> "Letter of Agency" from Ron Tsosie, Interim Superintendent of NATIVE Vocational District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of NATIVE.



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2006-2007**

February 27, 2014

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Re: Applicant Name: NATIVE VOCATIONAL DISTRICT  
OFFICE  
Billed Entity Number: 16032082  
Form 471 Application Number: 532327  
Form 486 Application Number: 991178  
Funding Request Number(s): 1470438  
Your Correspondence Dated: February 10, 2014

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 2006 Form 486 Notification 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): 1470438  
Decision on Appeal: **Denied**  
Explanation:

- Upon thorough review of the appeal letter and relevant documentation, USAC has determined that the Form 486 for the funding request(s) was not filed within 120 days calculated from the date of the Revised Funding Commitment Decision Letter (RFCDL) or the Service Start Date (SSD) as indicated on the Form 486, whichever date is later. The record shows that the date of the RFCDL is May 30, 2013 and that the SSD indicated on the Form 486 was July 1, 2006. The Form 486 was postmarked and certified on November 20, 2013. Since the Form 486 was postmarked and certified more than 120 days after the RFCDL, the SSD has been revised to the date 120 days before the Form 486 postmark date, which is July 23, 2013. If the funding commitment includes recurring

charges then the funding commitment has been reduced accordingly. See FY2006 Funding Commitment Decision Letter, and Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. As a result, 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

cc: Karen Leshner

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Billed Entity Number: 16032082  
Form 471 Application Number: 532327  
Form 486 Application Number: 991178



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2006-2007**

February 27, 2014

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Re: Applicant Name: NATIVE VOCATIONAL DISTRICT  
OFFICE  
Billed Entity Number: 16032082  
Form 471 Application Number: 536056  
Form 486 Application Number: 991178  
Funding Request Number(s): 1483288, 1483352, 1483401, 1483636, 1483698,  
1483745, 1483846, 1483892, 1483925, 1483964,  
1483993, 1484029, 1484066, 1484122, 1484210,  
1484246, 1484278  
Your Correspondence Dated: February 10, 2014

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 2006 Form 486 Notification 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): 1483288, 1483352, 1483401, 1483636, 1483698,  
1483745, 1483846, 1483892, 1483925, 1483964,  
1483993, 1484029, 1484066, 1484122, 1484210,  
1484246, 1484278

Decision on Appeal: **Denied**

Explanation:

- Upon thorough review of the appeal letter and relevant documentation, USAC has determined that the Form 486 for the funding requests was not filed within 120 days calculated from the date of the Revised Funding Commitment Decision Letter (RFCDL)

or the Service Start Date (SSD) as indicated on the Form 486, whichever date is later. The record shows that the date of the RFCDL is June 13, 2013 and that the SSD indicated on the Form 486 was July 1, 2006. The Form 486 was postmarked and certified on November 20, 2013. Since the Form 486 was postmarked and certified more than 120 days after the date of the RFCDL, the SSD has been revised to the date 120 days before the Form 486 postmark date, which is July 23, 2013. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. See FY2006 Funding Commitment Decision Letter, and Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. As a result, 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

cc: Karen Leshner

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
Parsippany, NJ 07054

Billed Entity Number: 16032082  
Form 471 Application Number: 536056  
Form 486 Application Number: 991178



Universal Service Administrative Company

Schools and Libraries Division

**FORM 486 NOTIFICATION LETTER**  
**(Funding Year 2006: 07/01/2006 - 06/30/2007)**

December 11, 2013

Scott Kimble  
BNI Solutions, LLC  
2820 E. College Ave.  
Suite B  
State College, PA 16801-7548

**Re: Service Provider Name: BNI Solutions, LLC**  
**Service Provider Identification Number: 143005529**

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted FCC Form(s) 486, Receipt of Service Confirmation Form, from Billed Entities who listed your company's Service Provider Identification Number (SPIN). You may begin to submit invoices to USAC for the services covered by the FCC Form(s) 486. You may submit invoices only after you have provided the service during the Funding Year and billed your customer. Note that for FCC Forms 472 (BEAR Forms) you must have been paid by your customer.

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

An explanation of the data provided in our letter reports is in the Guide to USAC Letter Reports posted in the Reference Area of our website. Complete program information, including invoice deadlines is also posted on our website. You may also contact our Client Service Bureau toll-free by phone at 1-888-203-8100, by email using the Submit a Question link on our website, toll-free by fax at 1-888-276-8736.

**NEXT STEPS**

Prior to invoicing USAC, we recommend that you discuss with your customers whether they would like to receive discounted bills or to pay their bills in full and be reimbursed for the discount amounts. Applicants invoice USAC before the invoice deadline using the applicant invoice [FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form] for reimbursements of discounts after paying the service provider bills in full. Service providers invoice USAC using the service provider invoice [FCC Form 474, Service Provider Invoice (SPI) Form] after billing applicants for their non-discount portions. Program rules require participants to maintain documentation for at least five years after delivery of discount service.

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Schools and Libraries Division - Correspondence Unit  
20 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE 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 Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the above date on 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - Form 486 Number 991178 and ERN(s) as assigned by USAC,
  - "Form 486 Notification Letter for Funding Year 2006", AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the Submit a Question feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

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

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

For more information on submitting an appeal to USAC, please see Appeals 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 Appeals 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.

Schools and Libraries Division  
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1470438  
Form 471 Application Number: 532327  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number:  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-002-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$82,869.84  
Applicant's Approved Discount Percentage: 89%  
Funding Commitment Decision: \$0.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT - 2006  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1483288  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98624  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$6,594.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,934.60

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529

Funding Request Number: 1483352  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98852  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$6,594.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,934.60

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1483401  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98854  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext. 103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$6,594.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,934.60

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1483636  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98843  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$6,594.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,934.60

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529

Funding Request Number: 1483698  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98817  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$6,594.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,934.60





FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1483892  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98624  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1483925  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98852  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529

Funding Request Number: 1483964  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98854  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529

Funding Request Number: 1483993  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98843  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484029  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98817  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT - ENDD  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484066  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98834  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$8,600.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,740.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484122  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98646  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$10,000.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$9,000.00

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484210  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98646  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext. 103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$13,495.14  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$12,145.63

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484246  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98646  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$5,687.12  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$5,118.41

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Service Provider Name: BNI Solutions, LLC  
Service Provider Identification Number: 143005529  
Funding Request Number: 1484278  
Form 471 Application Number: 536056  
Form 470 Application Number: 720060000568310  
Name of 471 Applicant: NATIVE VOCATIONAL DISTRICT OFFICE  
Address of 471 Applicant: N HIGHWAY 163  
Applicant City: KAYENTA  
Applicant State: AZ  
Applicant Zip: 86033  
Entity Number: 98852  
Name of Contact Person: Karen Leshner  
Preferred Mode of Contact: E-MAIL  
Contact Information: klesher@frontiernet.net  
Name of Form 486 Contact Person: Carlos Alvarez c/o Ron Tsosiesi  
Address of Form 486 Contact: N HIGHWAY 163  
City of Form 486 Contact: KAYENTA  
State of Form 486 Contact: AZ  
Zip Code of Form 486 Contact: 86033  
Telephone of Form 486 Contact: 888-535-7771ext.103  
Fax of Form 486 Contact: 866-569-3019  
E-mail Address of Form 486 Contact: calvarez@erate360.com  
Funding Year: 07/01/2006 - 06/30/2007  
Contract Number: AZ-NATIVE-001-Erateyr9  
Services Ordered: Basic Maintenance of Internal Connection  
Billing Account Number:  
Service Start Date: 07/23/2013\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Contract Expiration Date: 06/30/2007  
Total Program Year Pre-discount Amount: \$1,930.50  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$1,737.45



# USAC

Universal Service Administrative Company

Schools and Libraries Division

Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

**TIME SENSITIVE MATERIAL**

000001

Scott Kimble

BNI Solutions, LLC

2820 E. College Ave.

Suite B

State College, PA 16801-7548

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of )
Decisions of the )
Universal Service Administrator by )
Northeast Arizona Technological Institute of )
Vocational Education ) File Nos. SLD-532327, 536056
Kayenta, Arizona )
Schools and Libraries Universal Service ) CC Docket No. 02-6
Support Mechanism )

ORDER

Adopted: March 6, 2012

Released: March 6, 2012

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent, we grant a request by the Northeast Arizona Technological Institute of Vocational Education (NATIVE) seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program). In its decisions, USAC found that NATIVE violated the Commission's competitive bidding requirements because it issued a request for bid proposal (RFP), despite having indicated on its FCC Form 470 that no RFP existed. Based on our review of the record, we find that, despite NATIVE's failure to correctly indicate on its FCC Form 470 that it had issued an RFP, the FCC Form 470 contained enough detail for service providers to identify the desired services and to formulate bids. We therefore conclude that no violation of our competitive bidding rules occurred. Furthermore, we find no evidence of waste, fraud or abuse in the record at this time.

2. Additionally, on our own motion, we waive section 54.507(d) of the Commission's rules and any USAC procedural deadline, such as the invoicing deadline, that might be necessary to effectuate our ruling. We find good cause to waive section 54.507(d) because filing an appeal of a denial is likely

1 See Request for Review of the Decision of the Universal Service Administrator by Approach Learning and Assessment Center, et al., Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 23 FCC Rcd 15510 (2008) (finding that despite the petitioners failure to indicate on their FCC Forms 470 whether they had issued an RFP, the FCC Forms 470 contained enough detail for service providers to identify the desired services and to formulate bids).

2 See Letter from Karen Leshner, Superintendent, Northeast Arizona Technological Institute of Vocational Education, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 06-2 (filed Feb. 18, 2011) (Request for Review) (regarding funding year 2006 FCC Form 471 application numbers 532327 and 536056).

3 Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

4 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year).

to cause petitioners to miss the program's subsequent procedural deadlines in that funding year.

3. We therefore remand the underlying applications to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or NATIVE's applications.

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), the request for review filed by Northeast Arizona Technological Institute of Vocational Education IS GRANTED and the underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that section 54.507(d) of the Commission's rules, 47 C.F.R. § 54.507(d), IS WAIVED for the Northeast Arizona Technological Institute of Vocational Education to the limited extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau



# Northeast Arizona Technological Institute of Vocational Education

## Governing Board

**Shannon Tooke**  
Board President  
Tuba City USD

**Margaret Yazzie**  
Vice President  
Sanders USD

**Theodore Allen**  
Member  
Chinle USD

**Curtis A. Berry**  
Member  
Ganado USD

**Lavina Smith**  
Member  
Kayenta USD

**Mary Tom**  
Member  
Pinon USD

**Wallace Todacheeny**  
Member  
Red Mesa USD

**Eugene Kirk**  
Member  
Window Rock USD

## Site CTE Directors

**Steve Sorden**  
Chinle HS

**Doris Nelson**  
Ganado HS

**Clyde McBride**  
Monument Valley HS

**Joni Sherman**  
Pinon HS

**Virginia Tsosie**  
Red Mesa HS

**Woody Begay**  
Tuba City HS

**Ted Goodluck**  
Valley HS

**Deborah Mayher**  
Window Rock HS

**N.A.T.I.V.E.**

**Karen C. Leshner**  
Superintendent

**Ronlye Tsosie**  
Central Campus Principal

**Charles Waite**  
Business Manager

**Geraldine Begay**  
Supt/Board Secretary

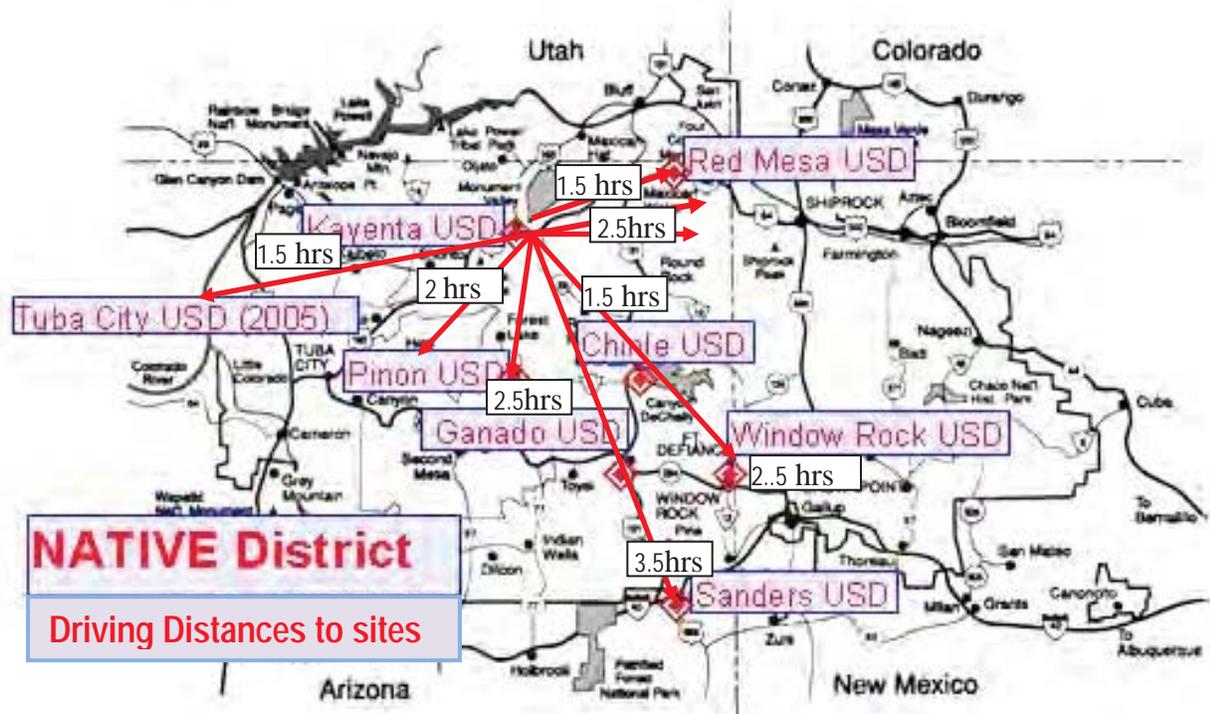
P.O. Box 710 • Kayenta, AZ 86033 • (928) 697-2500 • Fax (928) 697-2502

May 7, 2013

My name is Karen Leshner and I have been the Superintendent of NATIVE Vocational District since 2003. Since NATIVE is located in the isolated rural NE corner of Arizona, entirely on the Navajo Nation, there was dire need for technology services, so I added Erate to my list of duties. In addition to Erate, I am responsible for curriculum and instruction for NATIVE students across our District, program quality and implementation, VCDL (video conferencing distance learning) program oversight, compliance with budgets and purchasing procedures, public relations, Governing Board meetings, facilities and new construction, legislative review, inventory of school site NATIVE equipment, security, and generally all aspects of operating a school district.

My District covers 22,000 square miles, and the 2000 census showed 1.1 telephones per square mile. Approximately 70% of the homes where our students live are without water or electricity or both. Students travel 2-3 hours each way in school busses on unimproved roads, which are sometimes washed out due to floods. Families live in hogans (Navajo octagon 1 room house) or 1000 square foot frame dwelling. Sheep herding is the regional vocation, with much of the wool being spun into yarn and hand woven into Navajo rugs on a wooden vertical frame.

As the superintendent of a small understaffed, underfunded Joint Technical Education District (JTED), it is my responsibility to provide vocational education for our students, by visiting my nine site schools a minimum of twice a month, meeting with teachers and administrators, reviewing and overseeing Career Technical Education (CTE) instructional objectives, evaluating site programs, ensuring budget compliance and proper use of equipment, completing state and federal reports, and providing teacher and program support. Eight of the schools are a minimum each way of 1.5 hours and a maximum of 3.5 hours distant from my office in Kayenta, Arizona.



Arizona State Department of Education required meetings are held in Phoenix, Arizona, which is 5.5 hours south of Kayenta . In order to save dollars and to reduce time away from NATIVE District, I usually leave Kayenta at 5 AM for a 10 AM-4 PM meeting and return that night at 9:30 PM. On average, I work 12-15 hours per weekday plus many weekend days, just trying to keep up.

Erate has become a nightmare for me, as it consumes time that I do not have to spare, and interferes with my real job of educating students. I don't have an IT staff, so I have taken on that responsibility, which includes Erate. I have no Erate formal training, but have learned by doing, and by making mistakes (true teachable moments). I juggle erate actions and PIA responses between my day job responsibilities. As SLD forms and procedures change, I have found it to be increasingly difficult to keep up with Erate deadlines, form filing, and staying current with the ever-changing Erate rules. There is an insufferable amount of paperwork attached to each application, and two file cabinets and a 120gig portable hard drive are stuffed with Erate documents.

Sincerely,

Karen C. Leshner  
 Superintendent  
 Northeast Arizona Technological Institute of Vocational Education

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Requests for Review or Waiver of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Bishop Stang High School	)	File Nos. SLD-813488 et al.
Dartmouth, Massachusetts et al.	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: August 30, 2013**

**Released: August 30, 2013**

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent,<sup>1</sup> we grant 18 requests from petitioners<sup>2</sup> seeking review of decisions made by USAC under the E-rate program (more formally known as the schools and libraries universal service support program).<sup>3</sup> In each case, USAC reduced funding because it found that each of the applicants identified in the appendix failed to timely submit its FCC Form 486 confirming receipt of E-rate supported services. Based on the facts and circumstances presented by the petitioners, we find that rigid adherence to USAC's procedural deadline is not in the public interest in these cases and we therefore grant these appeals and associated waiver requests.

2. On our own motion, we also waive section 54.507(d) of the Commission's rules,<sup>4</sup> and direct USAC to waive any procedural deadlines, such as the invoicing deadline, that might be necessary

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<sup>1</sup> See, e.g., *Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182, 10185, para. 6 (Wireline Comp. Bur. 2006) (granting appeals where applicants did not file their FCC Forms 486 late; filed late as the result of immaterial clerical, ministerial or procedural errors; or filed late due to circumstances beyond their control); *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Cathedral Home for Children et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 5482 (Wireline Comp. Bur. 2013) (granting nine appeals of Universal Service Administrative Company (USAC) decisions to reduce applicants' funding on the basis of late-filed FCC Forms 486).

<sup>2</sup> The requests for review or waiver are listed in the Appendix.

<sup>3</sup> Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>4</sup> 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year).

to effectuate our ruling.<sup>5</sup> We find good cause to waive section 54.507(d) because filing an appeal of a denial of funding is likely to cause petitioners to miss the program's subsequent procedural deadlines in that funding year. Consistent with precedent,<sup>6</sup> we also find that good cause exists to waive section 54.720(a) of the Commission's rules,<sup>7</sup> which requires applicants to seek review of a USAC decision within 60 days, for Deuel School District 19-4, because it submitted its appeal to the Commission only three days late.

3. We therefore remand the applications listed in the appendix to USAC for further action consistent with this order. To ensure that those applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendix and issue a funding commitment or denial based on a complete review and analysis no later than 90 calendar days from the release date of this order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or as to the petitioners' applications.

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requests for review or waiver listed in the Appendix ARE GRANTED and those applications ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that section 54.507(d) of the Commission's rules, 47 C.F.R. § 54.507(d), IS WAIVED for the petitioners listed in the Appendix to the limited extent provided herein.

6. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91,

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<sup>5</sup> Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166.

<sup>6</sup> See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Red 11019, 11019, para. 2 (Wireline Comp. Bur. 2011) (granting a waiver of filing deadline for an appeal because it was submitted to the Commission only a few days late).

<sup>7</sup> 47 C.F.R. § 54.720(a).

0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that section 54.720(a) of the Commission's rules, 47 C.F.R. § 54.720(a), IS WAIVED for Deuel School District 19-4.

FEDERAL COMMUNICATIONS COMMISSION

Kimberly A. Scardino  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

## APPENDIX

## Requests for Review or Waiver

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Bishop Stang High School Dartmouth, Massachusetts	813488	2011	Apr. 30, 2013
Bradley School District 61 Bradley, Illinois	816819	2011	Jun. 12, 2013
Coventry Local School District Akron, Ohio	847421, 858709	2012	Jul. 15, 2013
Crocker School District R2 Crocker, Missouri	828367	2012	Jul. 8, 2013
Deuel School District 19-4 Clear Lake, South Dakota	805905	2011	Apr. 3, 2013
East Carroll Parish Library Lake Providence, Louisiana	792248	2011	May 15, 2013
Fox Lake Grade School District 114 Spring Grove, Illinois	816864	2011	May 16, 2013
Jackson City School District Jackson, Ohio	836623	2012	Jul. 19, 2013
Northeast Arizona Technological Institute of Vocational Education Kayenta, Arizona	417392	2004	May 13, 2013
Our Lady of the Valley Catholic School Wasilla, Alaska	792418	2011	May 30, 2013
Primavera Technical Learning Center Chandler, Arizona	758172	2010	Aug. 2, 2013
Reading Public Library Reading, Pennsylvania	811908	2011	Mar. 4, 2013
St. Agnes School Chicago, Illinois	821749	2011	Jul. 12, 2013
St. Mary of the Woods School Chicago, Illinois	821393	2011	Jul. 12, 2013
Stanley Community Public School District 2 Stanley, North Dakota	821926	2011	Aug. 2, 2013
The Learning Choice Academy Plaucheville, Louisiana	681697	2009	Jan. 8, 2011
Tolono Community School District 007 Tolono, Illinois	808525	2011	May 31, 2013
Washington Parish School District Franklinton, Louisiana	838565	2012	Aug. 5, 2013

**Richard Larson**

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**From:** Carlos Alvarez <calvarez@erate360.com>  
**Sent:** Thursday, August 22, 2013 12:11 PM  
**To:** sldcaseattachments@sl.universalservice.org  
**Subject:** RE: SLD Inquiry #: 22-530836 Received  
**Attachments:** NATIVE - EXTENSION REQUEST FY 2005.docx

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**From:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org) [<mailto:sldcaseattachments@sl.universalservice.org>]  
**Sent:** Thursday, August 22, 2013 12:08 PM  
**To:** [calvarez@erate360.com](mailto:calvarez@erate360.com)  
**Subject:** SLD Inquiry #: 22-530836 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-530836.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Carlos [LastName]=Alvarez [JobTitle]=Consultant [EmailAddress]=[calvarez@erate360.com](mailto:calvarez@erate360.com)  
[WorkPhone]=8885357771103 [FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice  
Extension [Owner]=DEADLINEEXTENSIONS [DateSubmitted]=8/22/2013 12:05:50 PM  
[AttachmentFlag]=Y[Question2]=Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - [calvarez@erate360.com](mailto:calvarez@erate360.com) We Request an Invoice Extension Date for  
Billed Entity Number: 16020596 , NATIVE VOCATIONAL DISTRICT for Funding Year 2005 due to  
documentation requirements that necessitate third-party contact or certification for the following FRNs: FRN  
1333657, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 ,  
committed amount \$ 380,937.57 FRN 1333800, 471# 466111, INTERNAL CONNECTIONS, service provider  
BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57 FRN 1333864, 471# 466111, INTERNAL  
CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$338,611.18 FRN*

*1333834, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57 FRN 1333762, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57 FRN 1333696, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57*

Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - calvarez@erate360.com

We Request an Invoice Extension Date for Billed Entity Number: 16020596  
, NATIVE VOCATIONAL DISTRICT for Funding Year 2005 due to documentation  
requirements that necessitate third-party contact or certification for the following  
FRNs:

**FRN 1333657, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$ 380,937.57**

**FRN 1333800, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57**

**FRN 1333864, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$338,611.18**

**FRN 1333834, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57**

**FRN 1333762, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57**

**FRN 1333696, 471# 466111, INTERNAL CONNECTIONS, service provider BNI SOLUTIONS, SPIN 143005529 , committed amount \$380,937.57**

**CORRECTING SERVICE SUBSTITUTION REQUEST**

**NOTE 7**

**DATE:** 11/7/2013  
**BEN:** 16020596  
**APPLICANT:** NATIVE Vocational District  
**Form 471 #:** 466111  
**FRN:** 1333657  
**Service Provider:** BNI Solutions, LLC  
**SPIN:** 143005529

**Name of Submitter:** Richard Larson  
**Title of Submitter:** Consultant for NATIVE  
**Submitter Phone Number:** (888) 535-7771 ext.102  
**Submitter Email Address:** rl Larson@erate360.com  
**Submitter Mailing Address:**  
 eRate 360 Solutions, LLC  
 322 Route 46W, Suite 280W  
 Parsippany, NJ 07054

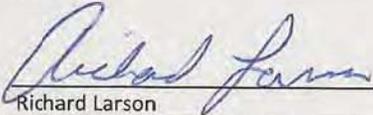
FROM (Original)					TO (Revised)				
Qty	Part No.	Description	Sell Price	Ext. Sell	Qty	Part No.	Description	Sell Price	Ext. Sell
10	2074 CD1	BIN - Power Play Roll About 2000 Control Unit Codec	30,362.48	303,624.80	12	SAME	SAME	24,329.30	291,951.60
10	n/a	Instalation	3,737.50	37,375.00	12	SAME	SAME	1,281.00	15,372.00
10	n/a	Sales tax	5.00%	17,049.99	12	SAME	SAME	7.10%	21,819.98
				-					-
				-					-
<b>ORIGINAL NON-RECURRING COST</b>				<b>\$358,049.79</b>	<b>REVISED NON-RECURRING COST</b>				<b>\$329,143.58</b>

FUNDING COMMITMENT		FRN 1333657	
Original FRN:		Revised FRN:	
Pre-discount	\$423,263.97	Pre-discount *	\$394,357.76
Discount %	90%	Discount %	90%
Commitment request	\$380,937.57	Commitment req*	\$354,921.98
* Revised FRN reflects decreased cost: \$28,906.21 commitment: \$26,015.59			

On behalf of NATIVE Vocational District I certify that:

- the substituted products or services have the same functionality as that contained in the original proposal,
- the substitution does not violate any contract provisions or state or local procurement laws,
- the substitution does not result in an increase in the percentage of ineligible services or functions,
- the requested change is consistent within the scope of the establishing controlling FCC Form 470, including and any Requests for Proposal for the original services.

To the extent that the requested service substitution provides a decreased cost, I authorize the Schools and Libraries Division to reduce my funding commitment.

Signature:   
 Name: Richard Larson  
 Title: Consultant for NATIVE  
 Date: 11/7/2013  
 BEN: 16020596

**ADMINISTRATOR'S DECISION ON SERVICE SUBSTITUTION REQUEST**

August 26, 2013

Ron Tsosie  
Native Vocational District  
P.O. box 710  
Kayenta, AZ 86033

Form 471 Application Number: 466111

**Dear Ron Tsosie,**

This letter is your notification that the FCC Form 471, *Services Ordered and Certification Form* you submitted for **Minor Modifications** was received and is not approved. You are not authorized to make the changes identified in your submission.

**FRN(s):** 1333657

**Decision: Not Approved**

Your request is not approved for the following reason(s):

- The service substitution request was received or postmarked after the deadline for submitting requests – which is the **last day to receive service** for that FRN – i.e., June 30 of the relevant Funding Year for recurring services.

Please keep this letter for your records. This is the only notification you will receive indicating the processing of the above-submitted form.

If you have any questions regarding the above information, please write to us at "Schools and Libraries Division - Correspondence Unit, 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685"

**TO APPEAL THIS DECISION**

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,

---

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685

Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

*BNI, Internal Connections*  
- Lewis Eisenberg  
- committed amount → \$ 380,937.57  
- service substitution letter

- applicant BEN and service provider SPIN,
  - application or form number as assigned by the USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - Name of letter and funding year – both are located at the top of the letter, and
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
  4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by 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 USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

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To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

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

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

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

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

**Richard Larson**

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**From:** Carlos Alvarez <calvarez@erate360.com>  
**Sent:** Friday, September 06, 2013 2:57 PM  
**To:** sldcaseattachments@sl.universalservice.org  
**Subject:** RE: SLD Inquiry #: 22-536158 Received  
**Attachments:** NATIVE - EXTENSION REQUEST FY 2010.docx

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**From:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org) [<mailto:sldcaseattachments@sl.universalservice.org>]  
**Sent:** Friday, September 06, 2013 2:54 PM  
**To:** [calvarez@erate360.com](mailto:calvarez@erate360.com)  
**Subject:** SLD Inquiry #: 22-536158 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-536158.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Carlos [LastName]=Alvarez [JobTitle]=Consultant [EmailAddress]=[calvarez@erate360.com](mailto:calvarez@erate360.com)  
[WorkPhone]=8885357771103 [FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice  
Extension [Owner]=DEADLINEEXTENSIONS [DateSubmitted]=9/6/2013 2:52:02 PM  
[AttachmentFlag]=Y[Question2]=Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - [calvarez@erate360.com](mailto:calvarez@erate360.com) We Request an Invoice Extension Date for  
Billed Entity Number: 16020596 , NATIVE VOCATIONAL DISTRICT for Funding Year 2010 due to  
documentation requirements that necessitate third-party contact or certification for the following FRNs: FRN  
1999182, 471# 740255, TELECOMM SERVICE, service provider Smith Bagley SPIN 143000989 , committed  
amount \$ 1,342.12 FRN 1999207, 471# 740255, TELECOMM SERVICE , service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$2,709.18 FRN 1999604, 471# 466111,*

*TELECOMM SERVICE, service provider NAVAJO COMMUNICATIONS, SPIN 143002480 , committed amount \$918.00*

Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - calvarez@erate360.com

We Request an Invoice Extension Date for Billed Entity Number: 16020596  
, NATIVE VOCATIONAL DISTRICT for Funding Year 2010 due to documentation  
requirements that necessitate third-party contact or certification for the following  
FRNs:

**FRN 1999182, 471# 740255, TELECOMM SERVICE, service provider Smith  
Bagley SPIN 143000989 , committed amount \$ 1,342.12**

**FRN 1999207, 471# 740255, TELECOMM SERVICE , service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$2,709.18**

**FRN 1999604, 471# 466111, TELECOMM SERVICE, service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$918.00**

**Richard Larson**

---

**From:** Carlos Alvarez <calvarez@erate360.com>  
**Sent:** Friday, September 06, 2013 2:56 PM  
**To:** sldcaseattachments@sl.universalservice.org  
**Subject:** RE: SLD Inquiry #: 22-536133 Received  
**Attachments:** NATIVE - EXTENSION REQUEST FY 2011.docx

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**From:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org) [<mailto:sldcaseattachments@sl.universalservice.org>]  
**Sent:** Friday, September 06, 2013 2:27 PM  
**To:** [calvarez@erate360.com](mailto:calvarez@erate360.com)  
**Subject:** SLD Inquiry #: 22-536133 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-536133.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Carlos [LastName]=Alvarez [JobTitle]=Consultant [EmailAddress]=[calvarez@erate360.com](mailto:calvarez@erate360.com)  
[WorkPhone]=8885357771103 [FaxPhone]=8665663019 [PreviousCaseNumber]=0 [FormType]=Invoice  
Extension [Owner]=DEADLINEEXTENSIONS [DateSubmitted]=9/6/2013 2:25:10 PM  
[AttachmentFlag]=Y[Question2]=Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - [calvarez@erate360.com](mailto:calvarez@erate360.com) We Request an Invoice Extension Date for  
Billed Entity Number: 16020596 , NATIVE VOCATIONAL DISTRICT for Funding Year 2011 due to  
documentation requirements that necessitate third-party contact or certification for the following FRNs: FRN  
2221034, 471# 816801, TELECOMM SERVICE, service provider Smith Bagley SPIN 143000989 , committed  
amount \$ 1,173.56 FRN 2221123, 471# 816801, TELECOMM SERVICE , service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$713.99 FRN 2221044, 471# 816801,  
TELECOMM SERVICE, service provider NAVAJO COMMUNICATIONS, SPIN 143002480 , committed*

*amount \$5,677.27 FRN 221064, 471# 816801, TELECOMM SERVICE, service provider NAVAJO COMMUNICATIONS, SPIN 143002480 , committed amount \$2,474.72*

Carlos Alvarez, Consultant on behalf of NATIVE VOCATIONAL DISTRICT  
; Phone: 888-535-7771 ext 103; email - calvarez@erate360.com

We Request an Invoice Extension Date for Billed Entity Number: 16020596  
, NATIVE VOCATIONAL DISTRICT for Funding Year 2011 due to documentation  
requirements that necessitate third-party contact or certification for the following  
FRNs:

**FRN 2221034, 471# 816801, TELECOMM SERVICE, service provider Smith  
Bagley SPIN 143000989 , committed amount \$ 1,173.56**

**FRN 2221123, 471# 816801, TELECOMM SERVICE , service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$713.99**

**FRN 2221044, 471# 816801, TELECOMM SERVICE, service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$5,677.27**

**FRN 221064, 471# 816801, TELECOMM SERVICE, service provider NAVAJO  
COMMUNICATIONS, SPIN 143002480 , committed amount \$2,474.72**



Date: 9/30/2013

Carlos Alvarez  
NATIVE VOCATIONAL DISTRICT  
Application Number(s) 871949

**Response Due Date: 10/15/2013**

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2012 FCC Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2012 FCC Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

**I of II:**

We are unable to confirm the eligibility of the equipment being requested in FRNs: 2378772, 2378910, 2379166, 2379168, 2379635, 2379724, 2379821, 2379894, 2379969, and 2380048 based on the documentation previously provided. Per your last response you stated that these items are being provided under a multi-year contract that was signed **Feb 9<sup>th</sup>, 2009**.

In order to assist us in confirming the above statement, please provide the complete copy of the contract signed **Feb 9<sup>th</sup>, 2009** as well as any amendments that have taken place since the contract was signed. Please make sure to include the entire copy of the contract(s) in your response.

**II of II:**

We are unable to confirm the eligibility of the items being requested in FRNs **2379635** and **2379894** based on the documentation previously provided. Per the item 22 of the block 5 these items are scheduled to be delivered to entity **#16032082 (NATIVE VOCATIONAL DISTRICT OFFICE)**. However, based on your last response this is incorrect.

Please inform us of the correct entity that these items are for and provide vendor documentation to support your statement.

Please fax or email the requested information to my attention. If you have any questions or if you require a further explanation of this request, 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 or denial 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 FCC 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 FCC 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.

Alexander Bianco

PIA Reviewer  
Program Integrity Assurance  
USAC, Schools and Libraries Division  
Phone: 973-581-5226  
Fax: 973-599-6578  
E-mail: [abianco@sl.universalservice.org](mailto:abianco@sl.universalservice.org)



Date: 10/22/2013

Carlos Alvarez  
NATIVE VOCATIONAL DISTRICT  
Application Number(s) 871949

**Response Due Date: 11/6/2013**

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2012 FCC Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2012 FCC Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

**I. Ministerial and Clerical Errors**

*Issue*

Based on the review of your Funding Year **2012** FCC Form 471 application **871949**, the following M&C error occurred: based the Block 5 funding requests on the wrong FCC Form 471 Block 4 worksheet for the associated FRNs, **2379635 and 2379894**.

*Questions*

To assist us in the review of your application, we need the following information:

1. Is your original request correct?  **Yes**  **No**

- If **Yes**, no further information is required and no changes will be made to your FCC Form 471.
- If **No**, and you wish to request a change please answer the following: is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  **Yes**  **No**

*Please see below a detailed M&C definition.*

According to FCC Order (FCC 11-60), ministerial and clerical errors are defined as follows: "The applicant can amend its forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error." Additional correctable errors can be found in the [FCC's Order DA-2354](#).

- If you answered **No**, no further action is required.
- If you answered **Yes**, please provide a copy of the source documentation used to prepare your FCC Form 471 application.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

Please fax or email the requested information to my attention. If you have any questions or if you require a further explanation of this request, 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 or denial 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 FCC 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 FCC 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.

Alexander Bianco  
PIA Reviewer  
Program Integrity Assurance  
USAC, Schools and Libraries Division  
Phone: 973-581-5226  
Fax: 973-599-6578  
E-mail: [abianco@sl.universalservice.org](mailto:abianco@sl.universalservice.org)



**FY 2013 E-rate Application Information Request**

09/09/2013

Contact Name: Karen Lesher  
Applicant Name: NATIVE VOCATIONAL DISTRICT  
FCC Form 471 Application Number(s): 921028  
**Response Due Date: 09/24/2013**

Dear Applicant:

The Program Integrity Assurance (PIA) team is in the process of reviewing your Funding Year 2013 FCC Form 471 Applications for E-rate discounts. To complete our review, we need additional information, which is listed below.

**I. Ministerial and Clerical Errors**

*Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2514075** is requesting **\$112.41/mo.** The Item 21 attachment you submitted supports the original request amount. However, you are requesting the funding request amount to be increased to **\$198.28/mo.**

*Questions*

To assist us in the review of your application, we need the following information:

Is the original amount requested on the FRN correct?  **Yes**  **No**

If **Yes**, no further information is required and no changes will be made to your FCC Form 471.

If **No**, and you wish to request a change please answer the following, is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  **Yes**  **No**

*Please see below for a detailed M&C definition.*

According to FCC Order (FCC 11-60), ministerial and clerical errors are defined as follows: "The applicant can amend its forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error." Additional correctable errors can be found in the [FCC's Order DA-2354](#).

- If you answered **No**, no further action is required.

- If you answered **Yes**, please provide a copy of the source documentation used to prepare your FCC Form 471 application

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

## **II. Eligibility of the Services**

### *Issue*

Based on the documentation that you have provided during the review of your Funding Year **2013** FCC Form 471 application 921028, for FRN **2518297**, it is not sufficient to determine the eligibility of your request. The documentation does not clearly identify the products or services being requested in this FRN.

For additional information on service categories, please refer to the USAC website at:  
<http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

### *Questions*

To assist us in the review of your application, we need the following information:

1. Please provide more detailed documentation that identifies the actual products and services being requested. Your documentation should identify the specific products and services such as make, model, and description of the product or service being delivered.
2. If you do not have this information, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with detailed documentation regarding the products or services you are requesting. Examples of supporting documentation are contracts, vendor quotes, vendor bills, invoices, etc.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

## **III. Requested Discount**

### *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, we were not able to validate your requested discount percentage of **90%** for TUBA CITY HIGH SCHOOL (VOCATIONAL), 16042711.

For additional information on calculating your discount level, see:  
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

### *Questions*

To assist us in the review of your application, please provide the appropriate documentation as described in the options listed below.

**Option 1: NSLP Participation**

If the school participates in the National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

If the school district fills out an aggregate claim form for the school, please provide a signed letter on school letterhead from a school official (preferably the Superintendent or other chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information that appears on the claim form.

**Option 2: Survey**

If the discount percentage was determined by information obtained from an income survey or application (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled at the school
- b. Total number of surveys/applications sent out (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- c. Total number of surveys/applications returned (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- d. Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- e. Are the surveys/applications and results kept on file?  Yes  No
  - i. If Yes, for how long are they kept on file?
- f. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the FCC Form 471

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.**

A school cannot include in their numbers other alternative methods, such as sibling match, direct certification etc., and then extrapolate as well. Schools may combine multiple alternative methods,

**Response due: 09/24/2013**

such as survey results, sibling match, direct certification etc., but must ensure that the same students are not counted multiple times, and cannot extrapolate the results from multiple surveys.

**Option 3: Financial Aid forms**

If the discount percentage was determined by information obtained from a financial aid form, please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent, or chief school official):

- a. Total number of students enrolled
- b. A statement that confirms "all students have access to financial aid forms
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of students who meet the NSLP Income Guidelines
- e. A statement that confirms the number and percentage of eligible students that supports the requested E-rate discount level
- f. A statement that confirms the school keeps all completed financial aid application on file.
- g. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the Form 471

The school must submit one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the start of the fund year.

**Option 4: State Department of Education Verification**

Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) verifying that the total student enrollment and the free and reduced figures you provided are accurate.

**Option 5: Letter from State Food/Nutrition Office**

Provide a letter from your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying the total student enrollment and the free and reduced figures you provided are accurate.

**Option 6: Other Methods**

If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the survey method that was used and provide all relevant data , forms, or other tools that were used during the survey process. For example, a school has a changing student population in a given school year as the school provides educational services to students drawn from other schools.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

**VI. FCC Form 470 Does not Support the Request**

I. *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2542320** is listed as a tariff (T) or month-to-month (MTM) service, and Funding Year **2013** FCC Form 470 # **590550001024687** is referenced as the FCC Form 470 that established the 28-day competitive bidding period for this service. Program rules require that services delivered on a tariff or month-to-month basis be posted for at least 28-Days to a new FCC Form 470 each Funding Year. Since the referenced FCC Form 470 was not filed in the same Funding Year as the FCC Form 471, your funding request is in violation of the competitive bidding requirements relating to tariff and month-to-month services.

For additional information on the competitive bidding process, see:  
<http://www.usac.org/sl/applicants/step03/default.aspx>.

*Questions*

To assist us in the review of your application, we need the following information:

1. Is there a Funding Year **2013** FCC Form 470 that established the 28-day competitive bidding period for this tariff or month-to-month service?  **Yes**  **No**
  - a. If **Yes**, please provide the 15-digit FCC Form 470 number that established the 28-day competitive bidding process for this service. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)  
The FCC Form 470 that established the bidding is:  
\_\_\_\_\_
  - b. If **No**, please confirm in writing.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

II. *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2542401** is listed as a tariff (T) or month-to-month (MTM) service, and Funding Year **2013** FCC Form 470 # **590550001024687** is referenced as the FCC Form 470 that established the 28-day competitive bidding period for this service. Program rules require that services delivered on a tariff or month-to-month basis be posted for at least 28-Days to a new FCC Form 470 each Funding Year. Since the referenced FCC Form 470 was not filed in the same Funding Year as the FCC Form 471, your funding request is in violation of the competitive bidding requirements relating to tariff and month-to-month services.

For additional information on the competitive bidding process, see:  
<http://www.usac.org/sl/applicants/step03/default.aspx>.

*Questions*

To assist us in the review of your application, we need the following information:

1. Is there a Funding Year **2013** FCC Form 470 that established the 28-day competitive bidding period for this tariff or month-to-month service?  **Yes**  **No**
  - a. If **Yes**, please provide the 15-digit FCC Form 470 number that established the 28-day competitive bidding process for this service. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)  
The FCC Form 470 that established the bidding is:  
\_\_\_\_\_
  - b. If **No**, please confirm in writing.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

*Response Reminders*

Please email or fax 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 of your application(s). **Failure to send all of the information requested may result in a reduction or denial 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 FCC 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 FCC 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.

Sincerely,

**Jing Hong**  
**Associate Manager, Program Integrity Assurance**  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.6702 | F: 973.599.6538  
[jhong@sl.universalservice.org](mailto:jhong@sl.universalservice.org)

**FY 2013 E-rate Application Information Request**

09/19/2013

Contact Name: Karen Lesher  
Applicant Name: NATIVE VOCATIONAL DISTRICT  
FCC Form 471 Application Number(s): 921028  
**Response Due Date: 10/04/2013**

Dear Applicant:

The Program Integrity Assurance (PIA) team is in the process of reviewing your Funding Year 2013 FCC Form 471 Applications for E-rate discounts. To complete our review, we need additional information, which is listed below.

**I. Ministerial and Clerical Errors**

*Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2514075** is requesting **\$112.41/mo**. The Item 21 attachment you submitted supports the original request amount. However, you are requesting the funding request amount to be increased to **\$198.28/mo**.

*Questions*

To assist us in the review of your application, we need the following information:

Is the original amount requested on the FRN correct?  **Yes**  **No**

If **Yes**, no further information is required and no changes will be made to your FCC Form 471.

If **No**, and you wish to request a change please answer the following, is the discrepancy a result of a mistake made while you were completing your FCC Form 471, also known as Ministerial and Clerical (M&C) error?  **Yes**  **No**

*Please see below for a detailed M&C definition.*

According to FCC Order (FCC 11-60), ministerial and clerical errors are defined as follows: "The applicant can amend its forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error." Additional correctable errors can be found in the [FCC's Order DA-2354](#).

- If you answered **No**, no further action is required.

- If you answered **Yes**, please provide a copy of the source documentation used to prepare your FCC Form 471 application

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

## **II. Eligibility of the Services**

### *Issue*

Based on the documentation that you have provided during the review of your Funding Year **2013** FCC Form 471 application 921028, for FRN **2518297**, it is not sufficient to determine the eligibility of your request. The documentation does not clearly identify the products or services being requested in this FRN.

For additional information on service categories, please refer to the USAC website at:  
<http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

### *Questions*

To assist us in the review of your application, we need the following information:

1. Please provide more detailed documentation that identifies the actual products and services being requested. Your documentation should identify the specific products and services such as make, model, and description of the product or service being delivered.
2. If you do not have this information, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with detailed documentation regarding the products or services you are requesting. Examples of supporting documentation are contracts, vendor quotes, vendor bills, invoices, etc.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in the denial or reduction of your funding request(s).

## **III. Requested Discount**

### *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, we were not able to validate your requested discount percentage of **90%** for TUBA CITY HIGH SCHOOL (VOCATIONAL), 16042711.

For additional information on calculating your discount level, see:  
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

### *Questions*

To assist us in the review of your application, please provide the appropriate documentation as described in the options listed below.

**Option 1: NSLP Participation**

If the school participates in the National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

If the school district fills out an aggregate claim form for the school, please provide a signed letter on school letterhead from a school official (preferably the Superintendent or other chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information that appears on the claim form.

**Option 2: Survey**

If the discount percentage was determined by information obtained from an income survey or application (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled at the school
- b. Total number of surveys/applications sent out (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- c. Total number of surveys/applications returned (If a single survey is sent to households with more than one student, please indicate the total number of students represented by the surveys)
- d. Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- e. Are the surveys/applications and results kept on file?  Yes  No
  - i. If Yes, for how long are they kept on file?
- f. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the FCC Form 471

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.**

A school cannot include in their numbers other alternative methods, such as sibling match, direct certification etc., and then extrapolate as well. Schools may combine multiple alternative methods,

**Response due: 10/04/2013**

such as survey results, sibling match, direct certification etc., but must ensure that the same students are not counted multiple times, and cannot extrapolate the results from multiple surveys.

**Option 3: Financial Aid forms**

If the discount percentage was determined by information obtained from a financial aid form, please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent, or chief school official):

- a. Total number of students enrolled
- b. A statement that confirms "all students have access to financial aid forms
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of students who meet the NSLP Income Guidelines
- e. A statement that confirms the number and percentage of eligible students that supports the requested E-rate discount level
- f. A statement that confirms the school keeps all completed financial aid application on file.
- g. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a of Block 4 of the Form 471

The school must submit one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the start of the fund year.

**Option 4: State Department of Education Verification**

Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) verifying that the total student enrollment and the free and reduced figures you provided are accurate.

**Option 5: Letter from State Food/Nutrition Office**

Provide a letter from your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying the total student enrollment and the free and reduced figures you provided are accurate.

**Option 6: Other Methods**

If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the survey method that was used and provide all relevant data , forms, or other tools that were used during the survey process. For example, a school has a changing student population in a given school year as the school provides educational services to students drawn from other schools.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

**IV. FCC Form 470 Does not Support the Request**

I. *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2542320** is listed as a tariff (T) or month-to-month (MTM) service, and Funding Year **2013** FCC Form 470 # **590550001024687** is referenced as the FCC Form 470 that established the 28-day competitive bidding period for this service. Program rules require that services delivered on a tariff or month-to-month basis be posted for at least 28-Days to a new FCC Form 470 each Funding Year. Since the referenced FCC Form 470 was not filed in the same Funding Year as the FCC Form 471, your funding request is in violation of the competitive bidding requirements relating to tariff and month-to-month services.

For additional information on the competitive bidding process, see:  
<http://www.usac.org/sl/applicants/step03/default.aspx>.

*Questions*

To assist us in the review of your application, we need the following information:

1. Is there a Funding Year **2013** FCC Form 470 that established the 28-day competitive bidding period for this tariff or month-to-month service?  **Yes**  **No**
  - a. If **Yes**, please provide the 15-digit FCC Form 470 number that established the 28-day competitive bidding process for this service. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)  
The FCC Form 470 that established the bidding is:  
\_\_\_\_\_
  - b. If **No**, please confirm in writing.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

II. *Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, FRN **2542401** is listed as a tariff (T) or month-to-month (MTM) service, and Funding Year **2013** FCC Form 470 # **590550001024687** is referenced as the FCC Form 470 that established the 28-day competitive bidding period for this service. Program rules require that services delivered on a tariff or month-to-month basis be posted for at least 28-Days to a new FCC Form 470 each Funding Year. Since the referenced FCC Form 470 was not filed in the same Funding Year as the FCC Form 471, your funding request is in violation of the competitive bidding requirements relating to tariff and month-to-month services.

For additional information on the competitive bidding process, see:  
<http://www.usac.org/sl/applicants/step03/default.aspx>.

*Questions*

To assist us in the review of your application, we need the following information:

1. Is there a Funding Year **2013** FCC Form 470 that established the 28-day competitive bidding period for this tariff or month-to-month service?  **Yes**  **No**
  - a. If **Yes**, please provide the 15-digit FCC Form 470 number that established the 28-day competitive bidding process for this service. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)  
The FCC Form 470 that established the bidding is:  
\_\_\_\_\_
  - b. If **No**, please confirm in writing.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

*Response Reminders*

Please email or fax 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 of your application(s). **Failure to send all of the information requested may result in a reduction or denial 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 FCC 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 FCC 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.

Sincerely,

**Jing Hong**  
**Associate Manager, Program Integrity Assurance**  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.6702 | F: 973.599.6538  
[jhong@sl.universalservice.org](mailto:jhong@sl.universalservice.org)



**FY 2013 E-rate Application Information Request**

10/11/2013

Contact Name: Karen Leshner  
Applicant Name: NATIVE VOCATIONAL DISTRICT  
FCC Form 471 Application Number(s): 921028

Dear Applicant:

The Program Integrity Assurance (PIA) team is in the process of reviewing your Funding Year 2013 FCC Form 471 Applications for E-rate discounts to ensure that they are in compliance with the rules of the Universal Service Program.

**I. Requested Discount**

*Issue*

Based on the review of your Funding Year **2013** FCC Form 471 application **921028**, we have determined that the documentation you provided does not support your requested discount of **90%** for **TUBA CITY HIGH SCHOOL (VOCATIONAL) 16042711**. Therefore your discount percentage will be reduced to **80%**, which is the percentage supported by third party documentation.

For additional information on calculating your discount level, see:  
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

*If you do not agree with the review decision*

If you disagree with the reduction of your discount percentage and you have alternative documentation supporting the discount calculation you originally requested, please submit this documentation to us.

*Response Reminders*

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

Should you wish to cancel your FCC 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 FCC 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.

Sincerely,

**Jing Hong**  
**Associate Manager, Program Integrity Assurance**

30 Lanidex Plaza West | Parsippany, NJ 07054

T: 973.581.6702 | F: 973.599.6538

[jhong@sl.universalservice.org](mailto:jhong@sl.universalservice.org)

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Requests for Review and Waiver )
of the Decision of the )
Universal Service Administrator by )
Alaska Gateway School District ) File Nos. SLD-412028, et al.
Tok, AK, et al. )
Schools and Libraries Universal Service ) CC Docket No. 02-6
Support Mechanism )

ORDER

Adopted: September 14, 2006

Released: September 14, 2006

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant 128 appeals of decisions by the Universal Service Administrative Company (USAC) reducing or denying funding from the schools and libraries universal service support mechanism (also known as the E-rate program) on the grounds that they failed to timely submit an FCC Form 486.1 As explained below, in each case we find that good cause exists to waive USAC's deadline for the FCC Form 486 filed with USAC and we remand the underlying applications associated with these appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendix and issue an award or denial based upon a complete review and analysis no later than 90 days from the release of this Order. In addition, we direct USAC to develop targeted outreach procedures designed to better inform applicants of approaching FCC Form 486 filing deadlines and to provide applicants with a 15-day opportunity to file or amend the form.

2. As we recently noted, applicants seeking funding from the E-rate program contend that the application process is complicated and time-consuming.2 As a result, a significant number of

1In this Order, we use the term "appeals" to generically refer to requests for review of decisions, or to waivers related to such decisions, issued by the Commission, the Wireline Competition Bureau, or USAC. A list of these petitions is attached in the Appendix and we will refer to all of these parties as Petitioners. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

2Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (Comprehensive Review NPRM).

applications for E-rate support are denied because of applicant ministerial or clerical errors. We find that the actions we take here to provide relief will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the “Act”), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.<sup>3</sup> In particular, we believe that by directing USAC to enhance certain application outreach procedures and granting this limited waiver of the deadline, we will provide for a more effective application processing system that ensures eligible schools and libraries will be able to realize the intended benefits of the program as we consider additional steps to reform and improve the E-rate program.<sup>4</sup> Requiring USAC to take these additional steps will not reduce or eliminate any application review procedures or program requirements that applicants must comply with to receive funding. Indeed, we retain our commitment to detecting and deterring potential instances of waste, fraud, and abuse by ensuring that USAC continues to scrutinize applications and takes steps to educate applicants in a manner that fosters program participation. We also emphasize that our actions taken in this Order should have minimal impact on the Universal Service Fund (USF or Fund) because the monies needed to fund these appeals have already been collected and held in reserve.<sup>5</sup>

## II. BACKGROUND

3. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>6</sup> After an applicant for discounted services under the E-rate program has entered into agreements for eligible services with one or more service providers, it must file an FCC Form 471 with USAC.<sup>7</sup> The FCC Form 471 notifies USAC of the services that have been ordered and supplies an estimate of funds requested for eligible services.<sup>8</sup> USAC then issues a funding commitment decision letter indicating the funding, if any, for which the applicant is approved to receive. After the funding year begins and the applicant begins receiving services at the discounted rate, the applicant submits an FCC Form 486 to USAC. The FCC Form 486 indicates that the service has begun, specifies the service start date and demonstrates that the applicant has received approval of its technology plans.<sup>9</sup> The timely

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<sup>3</sup>47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

<sup>4</sup>*Comprehensive Review NPRM*, 20 FCC Rcd at 11324-25, paras. 37-40 (seeking comment on the application process and competitive bidding requirements for the schools and libraries program).

<sup>5</sup>We estimate that the appeals granted in this Order involve applications for approximately \$11.3 million in funding for Funding Years 2000-2005. We note that USAC has already reserved sufficient funds to address outstanding appeals. See, e.g., Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2006, dated May 2, 2006.

<sup>6</sup>See 47 C.F.R. §§ 54.501-54.503.

<sup>7</sup>See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1997) (Funding Year 1999 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Funding Year 2000 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2001 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (Funding Year 2002 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2003) (Funding Year 2004 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) (Funding Year 2005 FCC Form 471) (collectively, FCC Form 471).

<sup>8</sup>47 C.F.R. § 54.504(c).

<sup>9</sup>Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (April 2000) (2000 FCC Form 486 Instructions); Instructions for Completing the

submission of FCC Form 486 ensures that disbursements for discounts on eligible services are done in a prompt and efficient manner. Because the FCC Form 486 indicates the actual service start date, USAC will only issue disbursements to the service provider for discounts on eligible services after receipt of the form.<sup>10</sup>

4. The deadline for receipt of the FCC Form 486, which is established by USAC, has varied over the years. In Funding Year 2000, applicants with recurring services were required to submit the FCC Form 486 postmarked by December 14, 2001.<sup>11</sup> In Funding Year 2001, the FCC Form 486 was due October 28, 2001, unless the service start date began or a funding commitment decision letter was issued after October 28, 2001.<sup>12</sup> In that case, the FCC Form 486 was required to be postmarked no later than 120 days after the service start date or the date of the funding commitment decision letter, whichever was later, for applicants to receive discounts retroactively to the service start date.<sup>13</sup> If an applicant failed to meet this requirement, USAC adjusted the start date for discounted services to either the date that the FCC Form 486 was postmarked or, in cases where the funding commitment decision letter came after the October 28, 2001 deadline, to 120 days before the date that the FCC Form 486 was postmarked.<sup>14</sup> In Funding Year 2002 and subsequent funding years, the FCC Form 486 had to be postmarked no later than 120 days after the date service began or no later than 120 days after the date of the funding commitment decision letter, whichever was later, to receive discounts retroactively to the service start date.<sup>15</sup> For a late FCC Form 486, the start date for discounted services is reset to 120 days before the postmark date.<sup>16</sup> No

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Schools and Libraries Universal Service Receipt of Service Confirmation Form, OMB 3060-0853 (July 2001) (2001 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (September 2002) (2002 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (August 2003) at 2 (2003 FCC Form 486 Instructions) (collectively, FCC Form 486 Instructions).

<sup>10</sup>See, e.g., 2003 Form 486 Instructions at 2. See also *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12444, para. 4 (2002) (*CIPA II Order*); 47 C.F.R. § 54.520.

<sup>11</sup>See November 2001 Announcements, Funding Year 3 Disbursement Closeout Process, available at <http://www.sl.universalservice.org/whatsnew/2001/112001.asp>.

<sup>12</sup>*Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8188-89, 8191, paras. 10, 18 (2001) (*CIPA Order*); 47 C.F.R. § 54.520(g)(1) (2001); 2001 Form 486 Instructions. Under the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA), Congress imposed new conditions on schools with Internet access that request discounted services under the schools and libraries universal service support mechanism. 47 U.S.C. § 254(h)(5), 254(l). Schools seeking costs for Internet access or internal connections services must certify to these conditions on the FCC Form 486. For Funding Year 2001, Congress established a deadline of October 28, 2001, unless services began after that date or the funding commitment decision letter was sent after that date. 47 U.S.C. §§ 254(h)(5)(E), 254(h)(6)(E); *CIPA Order*, 16 FCC Rcd at 8188-89, 8191, paras. 10, 18. Because the October 28, 2001 deadline for that funding year is a statutory requirement, it cannot be waived.

<sup>13</sup>2001 Form 486 Instructions at 8-10.

<sup>14</sup>Form 2001 486 Instructions at 9-10. See, e.g., *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002) (providing funding only for services provided on or after the FCC Form 486 filing date of October 30, 2001, instead of the funding year start date of July 1, 2001).

<sup>15</sup>*CIPA II Order*, 17 FCC Rcd at 12445, para. 5; 2003 Form 486 Instructions at 6.

<sup>16</sup>*Id.*

funding is provided for services rendered prior to the new start date and funding commitments are reduced for the relevant funding request.<sup>17</sup>

5. One hundred and twenty-eight Petitioners have requested a waiver of the deadlines or a review of USAC's decision to deny or reduce funding because of the Petitioners' late filings. The Commission may waive any provision of its rules on its own motion and for good cause shown.<sup>18</sup> A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>19</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>20</sup> In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>21</sup>

### III. DISCUSSION

6. In this item, we grant 128 appeals of decisions reducing or denying requests for funding from the E-rate program and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order.<sup>22</sup> Petitioners' requests for funding were denied or reduced because USAC found that the FCC Form 486 was filed late or the form may not have been filed.<sup>23</sup> These Petitioners, however, either claim that the filings were on time,<sup>24</sup> that the late filings were the result of immaterial clerical, ministerial or procedural errors,<sup>25</sup> or that the late filings were due to circumstances beyond their control.<sup>26</sup>

7. Based on the facts and the circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 486 for Petitioners.<sup>27</sup> Under Bureau precedent,

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<sup>17</sup>*Id.*

<sup>18</sup>47 C.F.R. §1.3.

<sup>19</sup>*Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>20</sup>*WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972).

<sup>21</sup>*Northeast Cellular*, 897 F.2d at 1166.

<sup>22</sup>Eldora Public Library (Eldora) framed its request for review as an appeal of USAC's denial of its request for an extension of the invoice deadline (FCC Form 472). Our review of the record indicates that Eldora did not file its FCC Form 486. Eldora claims that it inadvertently failed to comply with program rules because of Eldora's small staff and the complexity of the E-rate program. On our own motion, we grant a waiver of Eldora's FCC Form 486 deadline.

<sup>23</sup>*See* Appendix.

<sup>24</sup>*See, e.g.*, Request for Review by Fair Haven School District; Request for Review by Oldham County Public Library; Request for Review by Schuylkill Intermediate Unit No. 29; Request for Review by Bordentown Regional School District; Request for Review by Diocese of Gallup Catholic Schools.

<sup>25</sup>*See, e.g.*, Request for Review by Quartzsite Elementary School District No. 4; Request for Review by Fort Plain Central School District; Request for Review by Good Shepard Center; Request for Review by Pueblo 60 School District; Request for Review by Lifeline Center for Child Development.

<sup>26</sup>*See, e.g.*, Request for Review by Yukon Flats School District; Request for Review by School District U 46; Request for Review by North Wasco County School District No. 21; Request for Waiver by Bay County School District; Request for Review by Western Christian High School.

<sup>27</sup>Because we waive the FCC Form 486 deadline, applicants should receive funding from their actual service start date. We also direct USAC to waive any of its subsequent deadlines if related to the late-filed FCC Form 486, such as the FCC Form 472 deadline, if necessary for the processing of Petitioners' applications.

deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 486.<sup>28</sup> As we recently noted in *Bishop Perry Middle School*, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest.<sup>29</sup> Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline.<sup>30</sup> We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms.<sup>31</sup> Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>32</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

8. We emphasize the limited nature of this decision. Because the FCC Form 486 contains the Children's Internet Protection Act (CIPA) certification, all applicants must file the form with USAC.<sup>33</sup> While we have waived the deadline for filing, we do not waive the requirement of the filing itself. Furthermore, we recognize that filing deadlines are necessary for the efficient administration of the schools and libraries E-rate program. Although we grant the subject appeals before us, our action here does not eliminate USAC's deadline for filing the FCC Form 486. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process. However, as of the effective date of this Order, we require USAC to develop additional outreach and educational efforts to inform applicants of the application requirements in an attempt to reduce these types of filing errors. Specifically, USAC shall develop a targeted outreach program designed to identify schools and libraries that have not filed their FCC Form 486 120 days from the date of their funding commitment decision letter or service start date, whichever is later.<sup>34</sup> The purpose of this outreach effort

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<sup>28</sup>See *Requests for Waiver by Lucia Mar Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-249712, *et al.*, CC Docket No. 02-6, Order, 19 FCC Rcd. 20364, para. 3 (Wireline Competition Bur. Rel. May 28, 2004); *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002).

<sup>29</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, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

<sup>30</sup>Some Petitioners claim that they postmarked the FCC Form 486 on time. Given that we are waiving USAC's deadline for these applicants who mistakenly or knowingly filed late, we give these Petitioners the benefit of the doubt and, to the extent necessary, waive the FCC Form 486 filing deadline for them as well.

<sup>31</sup>For example, Western Christian High School's sole Universal Service Fund official suffered a debilitating stroke and was unable to meet the Form 486 deadline. *Request for Review by Western Christian High School* at 1.

<sup>32</sup>See 47 U.S.C. § 254(h).

<sup>33</sup>Those applicants that filed their FCC Form 486 with their appeal to the Commission must also file the form with USAC, if they have not already done so.

<sup>34</sup>The service start date can be determined from Block 5 of the applicant's FCC Form 471.

will be to provide the applicant with an additional opportunity to file or amend its FCC Form 486. When an applicant has missed the deadline to file its FCC Form 486, applicants will have 15 calendar days from the date of receipt of notice in writing by USAC to file or amend its FCC Form 486.<sup>35</sup> Again, this direction will not limit or preclude any application review procedures of USAC; instead, this 15-day period will provide E-rate applicants with a limited additional opportunity to file or amend its FCC Form 486. The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to correct truly unintentional ministerial and clerical errors.<sup>36</sup> The opportunity for applicants to file or amend their filings to cure minor errors will also improve the efficiency and effectiveness of the Fund. Because applicants who are eligible for funding will now receive funding where previously it was denied for minor errors, we will ensure that funding is distributed first to the applicants who are determined by our rules to be most in need of funding. As a result, universal service support will be received by schools in which it will have the greatest impact for the most students. Furthermore, the opportunity to file or amend the application will improve the efficiency of the schools and libraries program. If USAC helps applicants file timely and correct forms initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues. Therefore, we believe this additional opportunity to file the FCC Form 486 will improve the administration of fund. In addition, we note that the Commission has initiated a proceeding to address whether particular deadlines should be modified.<sup>37</sup>

9. Finally, we are committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, this action in no way affects the authority of the Commission or USAC to conduct audits and investigations to determine compliance with the E-rate program rules and requirements. Because audits and investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or Commission rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or the Commission's rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under our own procedures and in cooperation with law enforcement agencies.

#### IV. ORDERING CLAUSES

10. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47

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<sup>35</sup>Such 15-day notice shall be 15 calendar days' notice, and shall commence on the date of receipt of such notice by applicant, or five (5) calendar days after such notice is postmarked as sent by USAC, whichever is sooner. Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC, however, shall continue to work beyond the 15 days with applicants attempting in good faith to file or amend their FCC Form 486.

<sup>36</sup>We note that applicants will retain the ability to appeal decisions denying funding requests on the grounds discussed herein.

<sup>37</sup>*Comprehensive Review NPRM*, 20 FCC Rcd at 11321, para. 29.

C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the Petitioners as listed in the Appendix ARE GRANTED.

11. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the Petitioners as listed in the Appendix ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

12. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, USAC SHALL COMPLETE its review of each remanded application listed in the Appendix and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from release of this Order.

13. IT IS FURTHER ORDERED that this Order and the rules adopted herein SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin  
Chief  
Wireline Competition Bureau

**Appendix:**  
**FCC Form 486 Deadline Petitions**

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Type of Appeal</b>
Alaska Gateway School District Tok, AK	412028	2004	Request for Review
Andrews County Library Andrews, TX	440481	2005	Request for Review
Antwerp Local School District Antwerp, OH	464507	2005	Request for Waiver
Archbishop Neale School La Plata, MD	302737	2002	Request for Waiver
Arlington Heights Memorial Library Arlington Heights, IL	415027	2004	Request for Waiver
Bay County School District Panama City, FL	398681	2004	Request for Waiver
Beaufort County School District Beaufort, SC	294836	2002	Request for Review
Berrien County School District Nashville, GA	317226	2002	Request for Waiver
Bledsoe County Public Library Pikeville, TN	301204	2002	Request for Review
Bober Yeshiva Bnei Zion Brooklyn, NY	291074	2002	Request for Waiver
Bordertown Regional School District Bordertown, NJ	387135	2004	Request for Waiver
Brooks County School District Quitman, GA	321413	2002	Request for Waiver
Broome-Tioga BOCES Syracuse, NY	265671	2001	Request for Waiver
Brown Public Library Northfield, VT	328164	2002	Request for Waiver

Brunswick Central Schools Troy, NY	404068	2004	Request for Review
Buffalo Independent School District Buffalo, TX	371183	2003	Request for Review
Burgundy Farm Country Day School Alexandria, VA	191800	2000	Request for Review
Cabarrus County School Systems Concord, NC	299281 302819	2002	Request for Waiver
Carroll County School District Westminster, MD	302819	2002	Request for Review
Central Kansas Library System Great Bend, KS	328836	2002	Request for Waiver
Chattanooga-Hamilton County Bicentennial Library Chattanooga, TN	379922	2003	Request for Waiver
Cherokee County School District Canton, GA	322398	2002	Request for Review
Children's Home of Wyoming Conference Binghamton, NY	398068	2004	Request for Review
Chino Valley High School No. 51 Chino Valley, AZ	330837	2002	Request for Review
Chittenden Central SU 13 Montpelier, VT	415681	2004	Request for Review
Church of St. Aidan Parish School Williston Park, NY	297395	2002	Request for Review
Cinnaminson Township Public Schools Cinnaminson, NJ	356114	2003	Request for Review
Cleveland Elementary School Cleveland, AL	362832	2003	Request for Waiver
Clinton County Board of Education Albany, KY	291898	2002	Request for Waiver
Colton Joint Unified School District Colton, CA	366876	2003	Request for Waiver

Columbus Public Schools Columbus, OH	365588	2003	Request for Review and Waiver
Community Consolidated School District 59 Arlington Heights, IL	328076 328077	2002	Request for Review
Cundy's Harbor Library Harpwell, ME	292633	2002	Request for Waiver
Diocese of Gallup Catholic Schools Cortez, CO	352887	2003	Request for Review
Diocese of Gallup Catholic Schools Cortez, CO	355457	2003	Request for Review
Douglas County School District 04 Roseburg, OR	431083, 430560	2004	Request for Review
Dry Creek Joint Elementary School District Rosevill, CA	409881	2004	Request for Review
Dubuque Community School District Dubuque, IA	327890	2002	Request for Review
Eldora Public Library Eldora, IA	346316	2003	Request for Review
Emerson Board of Education Syracuse, NY	280479	2001	Request for Review
Estill Elementary School Estill, NC	234858 234895 234919 234944	2001	Request for Review
Fair Haven School District Fair Haven, NJ	367738	2003	Request for Review
Flint City School District Flint, MI	359243	2003	Request for Review
Fort Plain Central School District Fort Plain, NY	412951	2004	Request for Review
Fort Vancouver Regional Library District Vancouver, WA	291242	2002	Request for Waiver
Galloway TWP School District Galloway, NJ	305849	2002	Request for Review

Glades County School District Moore Haven, FL	453848, 454205	2005	Request for Waiver
Good Shepherd School Baltimore, MD	266044	2001	Request for Review
Good Shepherd School Frankfort, KY	172300	2000	Request for Waiver
Grand Coulee Dam School District Coulee Dam, WA	298633	2002	Request for Waiver
Hazlet Township School District Hazlet, NJ	361921	2003	Request for Review
Hennepin County Library St. Paul, MN	359143	2003	Request for Review
Hood River County School District Hood River, OR	364794	2003	Request for Review
Hudson County Schools of Technology North Bergen, NJ	297875	2002	Request for Waiver
Hull Public Library Hull, IA	298528	2002	Request for Review
Illinois School for the Deaf Jacksonville, IL	347661	2003	Request for Review
JEDI Distance Education Consortium Fort Atkinson, WI	327192	2002	Request for Waiver
Jefferson County School Board Monticello, FL	459304	2005	Request for Waiver
Karnes City Independent School District Karnes City, TX	357945	2003	Request for Waiver
Knox County Schools Knoxville, TN	215885	2001	Request for Review
La Gloria Independent Falfurrias, TX	178419	2000	Request for Review
Lamar Consolidated Independent School District Rosenberg, TX	459460	2005	Request for Review

Licking Valley Local School District Newark, OH	392774	2004	Request for Review
Lifeline Center for Child Development, Inc. Queens Village, NY	409570	2004	Request for Review
Lima City School District Lima, OH	470234	2005	Request for Review and Waiver
Lindsay Unified School District Lindsay, CA	410849 411165	2004	Request for Review and Waiver
Little Ferry School District Little Ferry, NJ	295815	2002	Request for Waiver
Lowell Public Schools Lowell, MA	359824	2003	Request for Waiver
Madison Metro School District Madison, WI	353089 353119 353212	2003	Request for Review
Madison-Oneida BOCES Verona, NY	462476	2005	Request for Waiver
Mahopac Public Library Mahopac, NY	402345	200	Request for Review
Maine School Administration District No. 56 Searsport, ME	243128 243720 249415 249470	2001	Request for Waiver
Martin Public School District Martin, MI	426227	2004	Request for Waiver
Martins Ferry City School District Martins Ferry, OH	302365	2002	Request for Review and Waiver
Modoc County Office of Education St. Alturas, CA	315896	2002	Request for Waiver
Moline School District Moline, IL	356437	2003	Request for Review
Monett School District R-1 Monett, MO	300380	2002	Request for Review
Montrose County School District Montrose, CO	427322	2004	Request for Review

Morgan County School District Wartburg, TN	327398	2002	Request for Review and Waiver
Municipal Telephone Exchange Baltimore, MD	267659	2001	Request for Waiver
Nampa School District 131 Nampa, ID	318599	2002	Request for Waiver
National School District National City, CA	230814	2001	Request for Review
Nativity Academy at Saint Boniface Louisville, KY	419716	2004	Request for Waiver
North Wasco County School District 21 The Dalles, OR	409053	2004	Request for Waiver
Northwest Artic Borough School District Kotzebue, AK	406645	2004	Request for Review and Waiver
Oakland Unified School District Oakland, CA	414456 417784	2004	Request for Waiver
Oldham County Public Library Buckner, KY	400462	2004	Request for Review
Ontario School District 8 C Ontario, OR	295232	2002	Request for Waiver
Orange-Ulster BOCES Syracuse, NY	262616	2001	Request for Review
Our Lady of Refuge Brooklyn, NY	203596	2000	Request for Review
Phenix City School District Phenix City, AL	322329 323545	2002	Request for Review
Pioneer Regional School Corporation Royal Center, IN	346650	2003	Request for Waiver
Pitt County Schools Greenville, NC	254432	2001	Request for Review
Plymouth-Canton Community Schools Plymouth, MI	375805	2003	Request for Waiver
Prairie-Hills Elementary School District 144 Hazel Crest, IL	252724	2001	Request for Review

Providence School District Providence, RI	289156	2002	Request for Review and Waiver
Public Schools of Springfield, Massachusetts Springfield, MA	262612	2001	Request for Review
Pueblo City School District 60 Pueblo, CO	398109	2004	Request for Review
Quartzsite Elementary School District # 4 Ehrenberg, AZ	407280	2004	Request for Review
Redlands United School District Redlands, CA	286577	2002	Request for Review
Saint Bede School Ingleside, IL	302736	2002	Request for Waiver
San Bernardino City Unified School District San Bernardino, CA	229943 229951	2001	Request for Waiver
School District of Escambia County Pensacola, FL	459695 460757 464483	2005	Request for Waiver
School District U-46 Elgin, IL	387466	2004	Request for Review
Schuylkill Intermediate Unit 29 Mar Lin, PA	412852	2004	Request for Waiver
Seaford District Library Seaford, DE	186219 182411	2000	Request for Waiver
Sherburne-Earlville Central School District Sherburne, NY	351972	2003	Request for Waiver
Smyer Independent School District Smyer, TX	449773	2005	Request for Waiver
Southeastern Regional Vocational-Technical School South Easton, MA	470921	2005	Request for Waiver
Southwest Region School District Dillingham, AK	311369	2002	Request for Review and Waiver
Spring Hill Unified School District 230 Spring Hill, KS	289683	2002	Request for Review

St. Bernadette School Seattle, WA	358930	2003	Request for Review
St. Luke's Lutheran School St. Louis, MO	364411 364448	2003	Request for Review
St. Malachy School Rantoul, IL	339842	2003	Request for Review
Sweetwater County School District No. 2 Green River, WY	392435 392334 392324 392416	2004	Request for Waiver
Talullah Falls Schools Talullah Falls, GA	410133	2004	Request for Review
Tanana City School District Tanana, AK	381012	2003	Request for Waiver
Texas Education Telecommunications Network Austin, TX	330978	2002	Request for Review and Waiver
The School District of Marlboro County Bennettsville, SC	376637	2003	Request for Review
Union Beach Public Schools Union Beach, NJ	203423	2000	Request for Review
Vernon Verona Sherrill City School District Verona, NY	355243	2003	Request for Review
Washington State Department of Information Services Olympia, WA	229488	2001	Request for Review
Washington State Department of Information Services Olympia, WA	406070	2004	Request for Review
Western Christian High School Hull, IA	298244	2002	Request for Review
Whitman-Hanson Regional School District Whitman, MA	429515	2004	Request for Review
Windsor School District Windsor, VT	337525	2003	Request for Review

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Wiscasset School Department Wiscasset, ME	398615	2004	Request for Waiver
Yukon Flats School District Fort Yukon, AK	435210	2004	Request for Review



# Northeast Arizona Technological Institute of Vocational Education

## Governing Board

P.O. Box 710 • Kayenta, AZ 86033 • (928) 697-2500 • Fax (928) 697-2502

**Shannon Tooke**  
Board President  
Tuba City USD

**Margaret Yazzie**  
Vice President  
Sanders USD

**Theodore Allen**  
Member  
Chinle USD

**Curtis H. Berry**  
Member  
Ganado USD

**Eugene Kirk**  
Member  
Window Rock USD

**Lavina Smith**  
Member  
Kayenta USD

**Wallace Todacheeny**  
Member  
Red Mesa USD

**Mary Tom**  
Member  
Pinon USD

## Site CTE Directors

**Woody Begay**  
Tuba City HS

**Ted Goodluck**  
Valley HS

**Deborah Mayher**  
Window Rock HS

**Clyde McBride**  
Monument Valley HS

**Doris Nelson**  
Ganado HS

**Joni Sherman**  
Pinon HS

**Steve Sorden**  
Chinle HS

**Virginia Tsosie**  
Red Mesa HS

**Ron Tsosie**  
Interim Superintendent

**Geraldine Begay**  
Business Manager

**Jonathan Yazzie**  
CTE Coordinator

**Charles Waite**  
Business Consultant

**Sheena Greenstone**  
Supt./Board Secretary

## Letter of Agency

NATIVE Vocational District  
Billed Entity Number: 16020596

Letter of Agency For FY 6 (2003-2004); FY 7 (2004 - 2005); FY 8 (2005 - 2006); FY 9 (2006 - 2007); FY 10 (2007 -2008); FY 11 (2008 - 2009); FY 12 (2009 - 2010); FY 13 (2010 - 2011); FY 14 (2011 - 2012); FY 15 (2012 - 2013); FY 16 (2013 - 2014)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano, and John Harvey to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **NATIVE Vocational District** for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for **NATIVE Vocational District**. By signing this Letter of Agency, I make the following certifications

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

(b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of priority two services. The plan(s) is written at the following level(s):  
 an individual technology plan for using the services requested in this application; and/or  
 higher-level technology plan(s) for using the services requested in this application; or  
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).

(e) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

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

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

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form 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) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to **eRate 360 Solutions, LLC** for E-rate submission is true.

District: NATIVE Vocational District

Date: 10/2/13

Signature: 

Printed Name: Ron Tsosie

Title: Interim Superintendent