



BLOOMFIELD SCHOOL DISTRICT

**325 North Bergin Lane
Bloomfield, NM 87413**

September 17 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 Administrator’s Decision on Appeal– Funding Year 2011-2012, issued on August 1, 2014, regarding Form 471 # 775450, FRNs 2102437, 2102444, 2102455, and 2102462

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
(preferred mode of contact)

Information

Entity Bloomfield School District
Billed Entity Number 143262
Funding Year FY14 (2011-12)
Form 471 Application Number 775450

FRN	SPIN	Service Provider	Funding Committed
2102437	143008900	AllTel Communications	\$27,066.24
2102444	143005231	Qwest Corporation	\$24,899.52
2102455	143005231	Qwest Corporation	\$17,275.20
2102462	143026450	Brainstorm Internet	\$38,432.35
TOTAL			\$107,673.31

Document Being Appealed: Administrator’s Decision on Appeal– Funding Year 2011-2012, issued on August 1, 2014, regarding Form 471 # 775450, FRNs 2102437, 2102444, 2102455, and 2102462¹

ADL Items Being Appealed:

Decision on Appeal “Denied”

Explanation “Current deadline guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension. The invoice receipt deadline is 120 days after the end of

¹ Letter from Universal Service Administrative Company, Schools and Libraries Division, to Richard Larson, eRate 360 Solutions (consultant for Bloomfield School District), 322 Route 46W, Suite 280W, Parsippany, NJ 07054, dated August 1, 2014; Administrator’s Decision on Appeal – Funding Year 2011-2012, regarding Form 471 # 775450, FRNs 2102437, 2102444, 2102455, and 2102462 (Appeal ADL).

the service delivery date or 120 days after the Form 486 Notification Letter, whichever is later. USAC denied your request for Invoice Deadline Extension because the request was not filed in a timely manner. Since USAC's decision was consistent with Invoice Deadline Extension guidelines, your appeal is denied."

Appeal:

Bloomfield School District (the District) respectfully requests the Commission to reverse the School & Libraries Division's (SLD) decision to deny the District's July 21, 2014 appeal to SLD which requested approval of the District's April 9, 2014 Invoice Deadline Extension Request for FRNs 2102437, 2102444, 2102455, and 2102462 in 471 Application Number 775450.² Approval of this Invoice Deadline Extension Request will enable the District to submit Form 472s against the \$107,673.31 of funding for these four FRNs. The District bases this appeal on two grounds:

1. Mitigating Circumstances which led to the District's failure to file BEAR forms for these FRNs on a timely basis. The District cites the FCC's "*Clintonville*" decision in support of this basis of its appeal.
2. Non-existent and Poorly Defined Procedures and Deadlines: The District respectfully contends that the SLD's published online procedures permit submission of FRN extensions after the deadline, contrary to the SLD's "Explanation" in the ADL. In fact, there is no definite deadline or deadline algorithm on the SLD website for filing an FRN deadline extension. Accordingly, the District should not be denied its E-rate discount based upon a non-existent procedure and an ill-defined deadline.

Mitigating Circumstances:

Due to staff cutbacks in the wake of the devastating Charlton County decision,³ which stripped the District of \$1,034,264 of funds, and the resulting confusion, the District overlooked filing BEAR forms for the four FY 2011 FRNs listed above. The District asks the SLD to consider the terrible funding difficulties created by the FCC decision and to not exacerbate our fiscal situation by denying reimbursement of these FRNs.

The District cites the FCC's "*Clintonville Public School District, Clintonville, Wisconsin, et al*"⁴ decision which allowed six applicants to "file or resubmit their invoicing forms". Reasons cited ranged from "paperwork mix-ups" (Clintonville) to merely forgetting to file BEAR forms on a timely basis (Republic SD 309 and Torah Prep Girls School). The District respectfully submits that its reasons have at least as much merit as those presented by these schools.

Non-existent and Poorly Defined Procedures and Deadlines

In its July 21, 2014 ADL which rejected the District's appeal of SLD's denial of our deadline extension request, SLD stated that "*Current guidelines and procedures require Invoice*

² Email attachment from Matthew Hetman, eRate 360 (consultant for Bloomfield School District) sent to the SLD Customer Service Bureau on April 9, 2014, requesting extension of the invoicing deadline for FRNs 2102437, 2102444, 2102455, and 2102462.

³ DA 12-260, February 23, 2012, "Charlton County School System, Folkston, Georgia, *et al.*", File Nos. SLD-658765, *et al.*, CC Docket No. 02-6. SLD issued Demand Payment Letters totaling \$332,398.13 for FYs 2006 and 2007, and Commitment Adjustments totaling \$701,866.74 for FYs 2008, 2009, and 2010.

⁴ DA 12-84, January 25, 2012, "Clintonville Public School District, Clintonville, Wisconsin, *et al.*", File Nos. SLD-744909, *et al.*, CC Docket No. 02-6.

*Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension. The invoice receipt deadline is 120 days after the end of the service delivery date or 120 days after the Form 486 Notification Letter, whichever is later.*⁵ In November of 2008, in a similar situation, SLD staff confirmed scrutiny by eRate 360 Solutions of SLD's "current guidelines and procedures" which failed to find any such "requirement".⁶ Examination of SLD's on-line step-by-step procedures reveals that there is no such requirement.⁷ In fact, SLD's deadline procedure permits filing of FRN extension requests "after the deadline to invoice USAC",⁸ in contradiction of SLD's ADL explanation. We note that these procedures remain unchanged.

The ADL's "Explanation" goes on to state "USAC denied your request for Invoice Deadline Extension because the request was not filed in a timely manner." However, SLD procedures establish no useful guidelines defining "timeliness" for filing FRN extensions. Such lack of definition has led to inconsistent and arbitrary administration of the invoicing process, causing waste of program funds, additional appeals being filed with the FCC, and exposing applicants to loss of much-needed E-rate discounts.

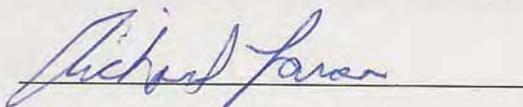
The ADL's "Explanation" concludes with "Since USAC's decision was consistent with Invoice Deadline Extension guidelines, ..." The District respectfully contends that the guidelines SLD claims to be consistent with do not exist; consistency with existing guidelines as interpreted by the FCC's "Clintonville" decision should have led SLD to approve the District's request.

Conclusion:

The District respectfully requests the Commission to reverse the SLD decision to deny the District's July 21, 2014 appeal which requested approval of the District's April 9, 2014 Invoice Deadline Extension Request for FRNs 2102437, 2102444, 2102455, and 2102462 in 471 Application Number 775450. Approval of this Invoice Deadline Extension Request will enable the District to submit a Form 472 against the \$107,673.31 of funding for these FRNs.

We are available to respond to questions or to provide any further information requested by the Commission in its review of this appeal.

Authorized signature for this Appeal⁹



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

Date: 9/17/14

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

⁵ SLD's Appeal ADL of 8/1/2014 re the District's FRN Extension Request.

⁶ Email from Schools and Libraries Division (sldnoreply@sl.universalservice.org) to Steve Tenzer, Consultant on behalf of 134781 (stenzer@erate360.com), dated 11/3/2008 2:45 PM, subject: RE: Initial Contact, case 21-802952.

⁷ Web pages from SLD web site entitled *Step 11: Invoice Deadlines and Extension Requests* as of 12/5/2008, and *Step 7: Invoice Extensions* as of 9/3/2014.

⁸ Web pages from SLD web site entitled *Schools & Libraries Deadlines - Extension Requests for Invoicing USAC* dated 12/5-2008 and 9/3/2014.

⁹ "Letter of Agency" from Russell Florez, Director of Information Technology for Bloomfield School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of the District.



Universal Service Administrative Company
Schools & Libraries Division

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

August 01, 2014

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

Re: Applicant Name: BLOOMFIELD SCHOOL DISTRICT
Billed Entity Number: 143262
Form 471 Application Number: 775450
Funding Request Number(s): 2102437, 2102444, 2102455, 2102462
Your Correspondence Dated: July 21, 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 2011 Administrator's Decision on Invoice Deadline Extension Request Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2102437, 2102444, 2102455, 2102462
Decision on Appeal: **Denied**
Explanation:

- Current invoice deadline guidelines and procedures require that Invoice Deadline Extension requests be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension. The invoice receipt deadline is 120 days after the end of the service delivery date or 120 days after the date of the Form 486 Notification Letter, whichever is later. USAC denied your request for Invoice Deadline Extension because the request was not filed in a timely manner. Since USAC's decision was consistent with Invoice Deadline Extension guidelines, your 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

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

Billed Entity Number: 143262
Form 471 Application Number: 775450
Form 486 Application Number:

NOTE 2

Matthew Hetman, Consultant on behalf of Bloomfield SD; Phone: 888-535-7771 ext 104; email - mhetman@erate360.com

We Request an Invoice Extension Date until July 30, 2014 for Billed Entity Number: 143262, Bloomfield SD for Funding Year 14 due to documentation requirements that necessitate third-party contact or certification.

471# 775450 FRN 2102455 Telecommunications Service; Service Provider: Qwest Corporation, SPIN 143005231, committed amount \$21,594.00.

471# 775450 FRN 2102444 Telecommunications Service; Service Provider: Qwest Corporation, SPIN 143005231, committed amount \$31,124.40.

471# 775450 FRN 2102437 Telecommunications Service; Service Provider: AllTel Communications, SPIN 143008900, committed amount \$33,832.80.

471# 775450 FRN 2102462 Internet Access Service; Service Provider: Brainstorm Internet, Inc. SPIN 143026450, committed amount \$48040.44

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

In the Matter of)	
)	
Requests for Waiver and Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Charlton County School System)	File Nos. SLD-658765, <i>et al.</i>
Folkston, Georgia, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 23, 2012

Released: February 23, 2012

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

1. Consistent with precedent,¹ we deny seven requests from petitioners² 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).³ In each decision,

¹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Dimmitt Independent School District, et al.*, Order, 26 FCC Rcd 15581 (Wireline Comp. Bur. 2011). See also *Schools and Libraries Universal Service Support Mechanism*, Third Report and Order and Second Further Notice of Proposed Rulemaking, CC Docket No. 02-6, 18 FCC Rcd 26912, 26939, para. 66 (stating that a fair and open competitive bidding process is critical to preventing waste, fraud, and abuse of program resources); *Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028 (2000) (*Mastermind Order*) (finding that the FCC Form 470 contact person influences an applicant’s competitive bidding process by controlling the dissemination of information regarding the services requested and, when an applicant delegates that power to an entity that also participates in the bidding process as a prospective service provider, the applicant impairs its ability to hold a fair competitive bidding process). All potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process. *Mastermind Order*, 16 FCC Rcd at 4033, para. 10. See also *Request for Review by Dickenson County Public Schools, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, 17 FCC Rcd 15747, 15748, para. 3 (2002); *Request for Review by Approach Learning and Assessment Center, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, 22 FCC Rcd 5296, 5303, para. 19 (Wireline Comp. Bur. 2007) (finding that service provider participation may have suppressed fair and open competitive bidding). **With respect to Bloomfield School District (Bloomfield) and Falcon School District 49 (Falcon), while USAC denied these applicants’ funding requests due to receipt of gifts, we find that these applicants violated the Commission’s competitive bidding violations by engaging in improper communications with their service provider, Trillion Partners, Inc.** Because we deny Falcon’s requests due to competitive bidding violations, we find moot Falcon’s appeal of USAC’s decision to lower its discount rate for funding year 2008. See *Falcon School District, Request for Review*, CC Docket No. 02-6 (filed June 24, 2009) (*Falcon Request for Review*). We also deny Falcon’s appeal of USAC’s classification of its schools as urban. See *Falcon Request for Review* at 4.

² The requests for waiver and review are listed in the appendix.

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).

USAC found violations of the Commission's competitive bidding requirements.⁴ Based on our review of the record, we find that petitioners violated the Commission's competitive bidding requirements.⁵ In addition, we find that petitioners have not demonstrated that good cause exists to justify a waiver of the Commission's competitive bidding requirements.⁶

2. 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 requests for review or requests for waiver filed by the petitioners listed in the appendix ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ See Appendix.

⁵ See *supra* n.1.

⁶ 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. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Charlton County School System Folkston, GA	658765 742443	2009 2010	Nov. 17, 2010 Nov. 17, 2010
Falcon School District 49 Falcon, CO	466641 532406 577449 627866 662600 717469	2005 2006 2007 2008 2009 2010	Nov. 19, 2010 Nov. 19, 2010 Nov. 19, 2010 Jun. 24, 2009, Nov. 19, 2010 Nov. 19, 2010 Nov. 19, 2010
Lake Pend Oreille School District Bristol, PA	666055 736611	2009 2010	Nov. 12, 2010 Nov. 12, 2010
Trillion Partners, Inc. Austin, TX (Bloomfield School District, Bloomfield, NM)	498690 545994 600085 656519 693027 739004	2006 2007 2008 2009 2009 2010	Dec. 13, 2010 Dec. 13, 2010 Dec. 13, 2010 Feb. 2, 2011 Dec. 13, 2010 Dec. 13, 2010
Trillion Partners, Inc. Austin, TX (Charlton County School System, Folkston, GA)	658765 742443	2009 2010	Nov. 19, 2010 Nov. 19, 2010
Trillion Partners, Inc. Austin, TX (Falcon School District 49 Falcon, CO)	466641 532406 577449 627866 662600 717469	2005 2006 2007 2008 2009 2010	Nov. 12, 2010 Nov. 12, 2010 Nov. 12, 2010 Nov. 12, 2010 Nov. 12, 2010 Nov. 12, 2010
Trillion Partners, Inc. Austin, TX (Lake Pend Oreille School District, Bristol, PA)	666055 736611	2009 2010	Nov. 19, 2010 Nov. 19, 2010
Trillion Partners, Inc. Austin, TX			Oct. 1, 2010
Trillion Partners, Inc. Austin, TX			Oct. 10, 2010
Trillion Partners, Inc. (Master Appeal)			Nov. 3, 2010

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

In the Matter of)	
)	
Requests for Waiver and Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Clintonville Public School District)	File Nos. SLD-744909, <i>et al.</i>
Clintonville, Wisconsin, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: January 25, 2012

Released: January 25, 2012

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

1. Consistent with precedent,¹ we grant six requests from petitioners² 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).³ Based on our review of the record, we find that good cause exists to justify a grant of petitioners’ requests to be able to file or resubmit their invoicing forms (FCC Forms 472 or 474).⁴ We therefore remand the underlying applications listed in the appendix 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 the submitted invoices related to each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the submitted invoices. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services requested or the petitioners’ applications.

¹ *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*, File Nos. SLD-584091, *et al.*, CC Docket No. 02-6, 26 FCC Rcd 11019 (Wireline Comp. Bur. 2011) (*ABC Order*) (granting 24 appeals after finding good cause to waive USAC’s deadline for filing FCC Forms 472 or 474).

² The requests for waiver or review are listed in the appendix.

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 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. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

2. 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 requests for review or requests for waiver filed by the petitioners listed in the appendix ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Clintonville Public School District Clintonville, WI	744909	2010	Dec. 19, 2011
Decatur Public Schools Decatur, IL	516857, 568177	2006, 2007	Aug. 18, 2009
Hazel Crest School District 152 ½ Hazel Crest, IL	660692	2009	Nov. 23, 2011
Oran School District R3 Oran, MO	683786	2009	Nov. 14, 2011
Republic School District 90 Republic, WA	194826, 558352	2000, 2007	Aug. 26, 2011
Torah Prep School Saint Louis, MO	621810	2008	Nov. 14, 2011



CLINTONVILLE
PUBLIC SCHOOL DISTRICT
Tom O'Toole, Superintendent Of Schools

Administrative Offices
45 West Green Tree Road
Clintonville, Wisconsin 54929-1595
715-823-7215 + Ext 2610
Fax 715-823-1315

December 13, 2011

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

Received & Inspected

DEC 19 2011

FCC Mail Room

Request for Waiver

CC Docket No. 96-45
CC Docket No. 02-6

Clintonville Public School District
BEN: 133465

Contact Information:

Lance Bagstad
Clintonville High School
64 West Green Tree Road
Clintonville, WI 54929
Phone: 715-823-7215 ext. 2203
Fax: 715-823-1481
Email: lbagstad@clintonville.k12.wi.us

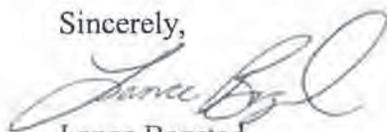
This Request for Waiver is being submitted regarding USAC Invoice Number 1574627. The funding commitment decision amount was \$28,726.93; however the approved reimbursement amount for the FRN was \$0.00.

Due to a mix-up in paper work that was received and filed, the Form 472 was submitted on November 1, 2011 and the invoice was received by USAC on November 18, 2011. As soon as the mix-up was realized by me, I submitted the information for Form 472 online as soon as I had cleared up the paperwork issue in house.

It is my sincere hope that you will grant the Request for Waiver and that this funding decision can be corrected and we can receive our funding commitment. Please give full consideration to the Request for Waiver in this case.

I anxiously await your decision regarding this matter.

Sincerely,



Lance Bagstad

Mr. J. Clayton rec'd
1/11/12
ARCDC



High School
64 West Green Tree Road
Clintonville, WI 54929
715-823-7215
Ext 2200

Middle School
255 North Main Street
Clintonville, WI 54929
715-823-7245
Ext 2400

Rexford/Longfellow Elementary School
105 South Clinton Avenue
Clintonville, WI 54929
715-823-7255
Ext 3200

Pupil Services
25 Eighth Street
Clintonville, WI 54929
715-823-7215
Ext 3221

Dellwood Early Learning Center
238 North Harriet Street
Clintonville, WI 54929
715-823-7295



www.eRateProgram.com

Received & Inspected

NOV 14 2011

FCC Mail Room

9666 Olive Blvd, Suite 215
St. Louis, MO 63132
314-282-3676
Fax: 314-395-5882

November 8, 2011

**Request for Review
TO BE ABLE TO SUBMIT A BEAR FORM
FOR THE 2008-2009 FILING YEAR**

CC Docket No. 02-6

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

To whom it may concern;

Appellant Name: Richard Senturia, consultant for applicant.
Applicant: Torah Prep Girls School, 8659 Olive Blvd, University City, MO 63132
Applicant BEN #: 74216
Applicant Form 471 # 621810
BEAR form ID – Our description: NA (we did not file one)
Dated: NA (we did not file one)
Invoice ID #: NA (we did not file one)

We applied for E-Rate funding for 2008-2009 filing year for Torah Prep Girls School BEN 74216.

We were approved in Wave 010.

We filed our Form 486.

We forgot to file our BEAR forms.

We filed an appeal with USAC but it was denied because it was not filed by the end of the relevant invoice receipt period.

We respectfully request to be allowed to submit our BEAR form for Torah Prep Girls School BEN 74216 covering their 2008-2009 telecom service through Windstream (SPIN 143030766), total reimbursement amount of \$6,480.00 and cell phone service through TMobile (SPIN 143026181), total reimbursement amount of \$2,640.00.

Respectfully,

Richard Senturia, Consultant
9666 Olive Blvd, Suite 215
Olivette, MO 63132
314-282-3676 office
314-395-5882 fax
rsenturia@erateprogram.com

No. of Copies rec'd _____
by ABCDE _____

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 03, 2008 2:45 PM
To: stenzer@erate360.com
Subject: RE: Initial Contact, case 21-802952

Thank you for your inquiry. This information is not currently on the website.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates:
<http://www.sl.universalservice.org>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: stenzer@erate360.com
Subject: Initial Contact

[FirstName]=Steve
[LastName]=Tenzer
[JobTitle]=Consultant on behalf of 134781 [EmailAddress]=stenzer@erate360.com
[WorkPhone]=8885357771101
[FaxPhone]=8665693019
[PreviousCaseNumber]=0

[FormType]=Other
[Owner]=TCSB
[DateSubmitted]=11/3/2008 1:00:56 PM
[AttachmentFlag]=Y[Question2]=I received a Denial for FRN 1251988 dated 10/22/2008. the explanation is as follows: CURRENT GUIDELINES AND PROCEDURES REQUIRE INVOICE DEADLINE EXTENSION REQUESTS TO BE FILED BY THE END OF THE RELEVANT INVOICE RECEIPT PERIOD FOR THE SERVICE CATEGORY OF THE FRN REQUIRING AN EXTENSION (120 DAYS AFTER THE END OF THE SERVICE DELIVERY DATE). THE EXTENSION REQUEST WAS NOT FILED IN A TIMELY MANNER, SO IT IS DENIED. Both I and the SLD Help Desk cannot find these "current guidelines and procedures" anywhere on the USAC/SLD website. I intend to file an appeal to this denial so please send me the referenced guidelines and procedures or let me know whether they exist on the SLD website so that I can file the appeal.

No virus found in this incoming message.
Checked by AVG - <http://www.avg.com>
Version: 8.0.175 / Virus Database: 270.8.5/1762 - Release Date: 11/2/2008 9:51 AM



Step 11: Invoice Deadlines and Extension Requests

Invoicing Deadlines

After a *Receipt of Service Confirmation Form* (Form 486) has been properly filed, USAC must receive an invoice from either the applicant or the service provider in order to make payments for approved support on eligible services. The *Billed Entity Applicant Reimbursement (BEAR) Form* (Form 472) is filed jointly by the applicant and service provider. The *Service Provider Invoice (SPI)* (Form 474) is filed by the service provider.

Invoices must be postmarked no later than:

- 120 days after the last date to receive service, or
- 120 days after the date of the Form 486 Notification Letter, whichever is later.

If an invoice is postmarked after the deadlines listed above, payment will be denied.

Example 1. If your last date to receive service was June 30, 2007 and your Form 486 Notification Letter was dated October 26, 2006, then invoices must be postmarked no later than 120 days after the last date to receive services, the later of the two dates.

Example 2. If your last date to receive service was September 30, 2007 and your Form 486 Notification Letter was dated October 20, 2007, then invoices must be postmarked no later than 120 days after the date of the Form 486 Notification Letter, the later of the two dates.

USAC will base the billing mode (reimbursement using the BEAR form or discounting using the SPI form) on the first invoice type that it processes for payment. Applicants and service providers should work together, before the first invoice is submitted, to determine whether a BEAR or a SPI will be filed. That type of invoice must then be used for the remainder of that funding year.

Invoice Deadline Extension Requests

USAC provides for the extension of invoice deadlines under certain conditions. These conditions include:

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEARs
- Circumstances beyond the service provider's control

Applicants can use the [FRN Extension Table](#) to determine if their deadline for postmarking an invoice to USAC has been extended. Applicants whose deadlines have been extended should locate the Funding Request Number (FRN) in the table and then look to the far right of the FRN to find the extended deadline for postmarking an invoice to USAC.

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)

- USAC-assigned Invoice Number (if known)
- Amount of invoice
- Reason for extension request

Requests may be filed electronically by email or by fax. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 a.m. (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 a.m. (midnight) ET.

- Requests filed by email can be submitted in any widely used word processing format, such as Adobe Portable Document Format (PDF), Word, or WordPerfect. USAC will automatically reply to incoming emails to confirm receipt.
- Requests filed by fax must be faxed to **973-599-6526**. The fax transmission should include a cover sheet listing contact name, phone number, and - if available - an email address.
- Requests may also be filed by mail or other carrier. Send your letter to the following address:

Invoice Deadline Extension Request
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

For more information on deadlines for delivery of recurring and non-recurring services, see [Service Delivery Deadlines and Extension Requests](#).

For more information on deadlines for filing Form 486, see [Form 486 Deadlines](#).

For more information on other Program deadlines, see our [Schools and Libraries Deadlines Tool](#).

Step 10: Begin Receipt of Services

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STEP 7 INVOICING

STEP 6

FCC Form 472 Filing
[Invoice Extensions](#)

Obligation to Pay
Invoice Error Codes

Invoice Check

Invoice Extensions

If an applicant or service provider has missed the deadline for submitting an invoice – FCC Form 472 (BEAR Form) or FCC Form 474 (SPI Form) – the applicant or service provider must request an extension of the deadline before a new invoice can be submitted.

Conditions for Extension

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's FCC Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEAR Forms
- Circumstances beyond the service provider's control

USAC updates the [FRN Extension Table](#) after an invoice deadline extension request has been successfully processed. The extended deadline will appear in the far right-hand column of the search results.

Requesting an Extension

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- FCC Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)
- USAC-assigned Invoice Number (if known)
- Amount of invoice
- Reason for extension request

Requests may be filed by email, fax, or mail. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 AM (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 AM (midnight) ET.

Requesting by Email

To submit a request using [Submit a Question](#), choose "Invoice Deadline Extension Request" from the "Topic Inquiry" menu and "Other" from the "Specific Inquiry" menu. You can either type your request in the freeform text box or indicate that you would like to submit an attachment containing your request. USAC will automatically reply to incoming emails to confirm receipt.

Requesting by Fax

Requests filed by fax must be faxed to (973) 599-6526. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an email address.

Requesting by Mail

Requests may also be filed by mail or other carrier. Send your letter to the following address:

Invoice Deadline Extension Request
Schools and Libraries - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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Schools & Libraries Deadlines

General Information	<u>Extension Requests for Invoicing USAC</u> Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC. (See the entries for "Form 472" and "Form 474" for the deadline to invoice USAC.)
Form 470	
Form 471	
Form 472	
Form 473	
Form 474	
Form 479	
Form 486	
Form 498	
Form 499-A	
Form 499-Q	
Form 500	
Appeals	
COMAD	
Extension Requests for Invoicing USAC	
Extension Requests for Non-Recurring Service Implementation & Delivery	
Invoice Deadline	
Non-Recurring Service Implementation & Delivery	
Recurring Service Implementation & Delivery	
Red Light	
Service Substitutions	
SPIN Changes	
Technology Plan Approval	

If you are using this tool to calculate a deadline, you must know it is designed to simply count calendar days from the date(s) entered. In general, if the deadline for a submission falls on a non-business day (e.g., Saturday, Sunday or federal holiday), the deadline becomes the next business day. It is your responsibility to meet deadlines.

Disclaimer: This tool assists in determining the deadlines for program forms and other submissions. It is your responsibility to ensure the accuracy of the information provided. It is also your responsibility to meet program deadlines. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors do not make any warranty, express or implied, or assume any liability or responsibility for the accuracy or completeness of any information or calculations provided by this tool. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors are not liable for any miscalculations or misinformation.

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PROGRAM DEADLINES

General Information	<p style="text-align: center;">Extension Requests for Invoicing USAC</p> <p>Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC. (See the entries for "Form 472" and "Form 474" for the deadline to invoice USAC.)</p>
Form 470	
Form 471	
Form 472	
Form 473	
Form 474	
Form 479	
Form 486	
Form 498	
Form 499-A	
Form 499-Q	
Form 500	
Appeals	
COMAD	
Extension Requests for Invoicing USAC	
Extension Requests for Non-Recurring Service Implementation & Delivery	
Invoice Deadline	
Non-Recurring Service Implementation & Delivery	
Recurring Service Implementation & Delivery	
Red Light	
Service Substitutions	
SPIN Changes	
Technology Plan Approval	

If you are using this tool to calculate a deadline, you must know it is designed to simply count calendar days from the date(s) entered. In general, if the deadline for a submission falls on a non-business day (e.g., Saturday, Sunday or federal holiday), the deadline becomes the next business day. It is your responsibility to meet deadlines.

Disclaimer: This tool assists in determining the deadlines for program forms and other submissions. It is your responsibility to ensure the accuracy of the information provided. It is also your responsibility to meet program deadlines. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors do not make any warranty, express or implied, or assume any liability or responsibility for the accuracy or completeness of any information or calculations provided by this tool. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors are not liable for any miscalculations or misinformation.

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NOTE 9

Letter of Agency

Bloomfield School District
Billed Entity Number: 143262

Letter of Agency For FY 14 (2011 - 2012)

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, 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 **Bloomfield School 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 **Bloomfield School 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 service. 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 interual 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: Bloomfield School District

Date: 6/14/10

Signature: 

Printed Name: Russell Florez

Title: Director of Information Technology