

Congress of the United States

Washington, DC 20510

July 5, 2018

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

We are writing to direct your attention to an appeal that is pending before the Federal Communications Commission, filed on April 9, 2018 by the Farmington Municipal School District (District) located in New Mexico.

This District covers more than 800 square miles in New Mexico, is largely rural, borders—and includes portions of—the Navajo Nation. The District serves approximately 11,000 students, roughly one third of whom are Native American, one third Hispanic, and one third Caucasian.

The Universal Service Administrative Company (USAC) has denied Farmington Municipal Schools' request for \$1.2 million in E-rate funding for funding year 2016. USAC claimed that Farmington had inappropriately factored state matching funds into its competitive bidding analysis.

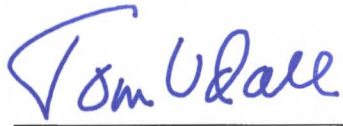
In its appeal, Farmington notes that it provided evidence to show that it did not factor state funds into its competitive bidding analysis. Farmington argues that it scrupulously followed the Commission's competitive bidding rules: it calculated the "total life of the facility" for the self-provisioning option, used the price of eligible E-rate services only as the primary factor in its bid evaluation process, and then selected the most cost-effective bid.

Because USAC's denial of Farmington's funding request for its self-provisioned wide area network (WAN), this effectively denies all E-rate funding for Farmington's WAN services for the 20-year life of the network, and we urge the Commission to review USAC's decision as soon as possible.

We request that the Commission provide an update as to the status of the appeal as well as an estimate as to when a Commission decision will be issued.

Thank you, and we look forward to your prompt response.

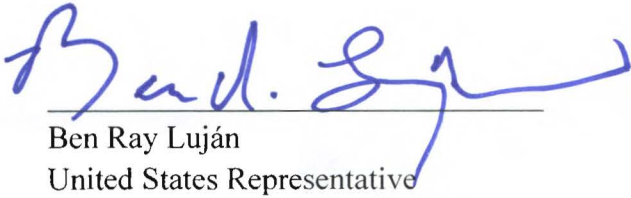
Sincerely,



Tom Udall
United States Senator



Martin Heinrich
United States Senator



Ben Ray Luján
United States Representative