

MEMORANDUM of AGREEMENT

The New Hampshire Department of Education, serving as the administrator for the New Hampshire K-12 Schools Connectivity Consortium, ("Consortium Administrator" or "State of New Hampshire") and ENA Services, LLC ("Service Provider") enter this Memorandum of Agreement ("MOA") regarding the purchase of services by consortium members, as described within the attached bid response from Service Provider ("Service Provider bid"), which is incorporated herein.

WHEREFORE, the Consortium Administrator filed a Form 470 Application Number 91600000857507 ("Form 470") on behalf of specified New Hampshire K-12 schools.

WHEREFORE, the Consortium Administrator issued a Request for Proposals for Internet Access and Additional Services ("the RFP"), on September 30, 2010, which included the Form 470.

WHEREFORE, the Consortium Administrator established a Proposal Review Team, comprised primarily of school district representatives, which reviewed the responses to the RFP and selected the Service Provider to provide services to consortium members.

NOW THEREFORE, the Consortium Administrator and the Service Provider agree as follows:

The purpose of this MOA is to create an E-Rate eligible vehicle for K-12 districts and/or school administrative units to purchase services from the Service Provider based on Service Provider's response to the RFP ("the proposal").

Each consortium member that desires to purchase services shall file a Form 471 with Universal Service Administrative Company (USAC) under its own specific Billed Entity Number that details the specific services purchased and the corresponding cost. The purchase and provision of services to the consortium member by the Service Provider are expressly subject to, and conditioned on, USAC's approval of future Form 471 requests filed by participating consortium members for funding through a formal Funding Commitment Decision Letter.

Service Provider and the Consortium Administrator agree to abide by all terms and conditions of the Universal Service Act of 1996 as implemented by USAC in the procurement, delivery, and installation of services, and all other transactions associated with this MOA.

The term of this MOA shall commence on July 1, 2011 and shall end on June 30, 2014.

This MOA may be amended only by a signed written agreement of the parties.

The costs of the services are included in the attached Service Provider bid, and shall be detailed in each participating consortium member's Form 471 request for E-Rate funding.

Under this MOA the State of New Hampshire assumes no liability for consortium member purchases of services from Service Provider or any associated costs. Each consortium member who purchases services under this MOA is responsible for direct payment of any and all service costs to the Service Provider.

Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State of New Hampshire, which immunity is hereby reserved to the State.

This MOA is to be construed in accordance with the laws of the State of New Hampshire.

ENA SERVICES, LLC

Service Provider 143030857


Signature

Paul Kelly
Printed Name and Title

3-23-11
Date

NEW HAMPSHIRE DEPARTMENT OF EDUCATION

Billed Entity 16055159


Signature

Paul K. Leather, Deputy Commissioner
Printed Name and Title

3-23-11
Date