

# Feds don't like Gwartney's mess? Who knew?

**Marty Trillhaase/Lewiston Tribune**

Appointed by Gov. C.L. (Butch) Otter, Department of Administration Director Teresa Luna - sister of state school Superintendent Tom Luna and former deputy under Otter's buddy and former Director Mike Gwartney - is paid \$92,872 a year to know something about administration.

Apparently she is clueless about at least two fundamental rules:

- When federal officials smell a mess, they'll hold onto their wallets.
- Never drop a bombshell on the boss.

Gwartney had made just such a mess out of the Idaho Education Network, which provides broadband to Idaho high schools.

In the middle of a bidding process, Gwartney changed the rules and froze out Syringa Network LLC in favor of Qwest Communications (now CenturyLink Inc.). Syringa sued.

Last spring, the Idaho Supreme Court kept the company's lawsuit hopes alive.

And in a scathing opinion, Justice Jim Jones laid the entire blame at Gwartney's feet:

"Gwartney appears to have been the architect of the state's effort to bend the contracting rules to Qwest's advantage," Jones wrote. "In deposition testimony, he essentially admitted knowing, even before the contract award was made Jan. 20, 2009, that Qwest would be 'making the connections and providing the broadband' for the Idaho Education Network."

The Federal Communications Commission controls the federal "e-rate" funds that provide 75 percent of IEN's budget. So given the Supreme Court ruling, you'd think Luna would have checked in with the FCC to see if there would be any hiccups. Then she'd inform the Legislature's budget writers.

If not then, then how about in late July when the IEN contractor, Education Networks of America, said it had not been paid for three months?

Or how about in the fall, when the feds asked if Idaho's contract with IEN was valid, considering the Idaho Supreme Court case?

Wouldn't she at least sound the alarms when Dec. 23 came and went without the answer Luna had expected from the feds?

Instead, the first lawmakers heard about this was when Luna walked into the budget committee and asked for \$14.5 million - enough to pay IEN's bills this year and next. It's either that or shut down the program in the middle of the school year.

Why hadn't the money arrived?

It's a mystery, she said.

"They haven't told us why they're withholding the money," Luna told the legislative budget writing panel. "We believe it's related to the lawsuit, but we aren't 100 percent sure."

But when the Spokesman-Review's Betsy Russell contacted the FCC, she was told the feds weren't sure the IEN contract satisfied federal procurement rules. How long will the FCC's review take? Will the state eventually get the money?

Who knows?

This week, the picture darkened even more. Idaho Education News' Kevin Richert reports Idaho could be forced to pay back another \$13.5 million received from federal "e-rate" funds since 2009.

GOP lawmakers are grouching about t being kept in the dark. But you can bet those gyrations hardly compare to the convulsions this would have triggered had Luna worked for a Democratic governor.

Her negligence, if not her competence, would be called into question.

The loss to the state treasury - which may already have impeded plans to extend broadband to elementary and middle schools - would be described as catastrophic.

At the very least, Gwartney would be compelled under oath to explain himself.

Distraught lawmakers would pull every last shred of Teflon off Otter's political carcass.

And someone would have asked the obvious question: If Gwartney's mess has shut off the federal pipeline, why doesn't someone clean up Gwartney's mess? - M.T.