



✉ P.O. Box 472
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October 9, 2017

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

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review

Re: Yeshiva Imrei Yosef
Entity #11904

FCC Appeal

We would like to appeal the decision by USAC to rescind funding for FRN **2694040** of form **471 987553**.

The School got a letter dated December 30, 2016 for a "Notification of Commitments Adjustment Letter". The letter states "Our routine review of Schools and Libraries Program has revealed certain applications where funds were committed in violation of the SLP rules. In order to be sure that no funds are used in violation of SLP rule, USAC must now adjust your overall funding commitment. The purpose of this letter is to make required adjustments to your funding commitment, and give you an opportunity to appeal.



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USAC Appeal and Denial

This decision was appealed directly to USAC because the school responded to the PQA review that was sent regarding the above FRN. During the appeal process we got a couple of request from USAC to which we provided all documents requested. The following was the sequence of the emails received from USAC and our responses:

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

From: Giudice, Michael <Michael.Giudice@solixinc.com>
To: 'sgoldltd@aol.com' <sgoldltd@aol.com>
Sent: Thu, Mar 2, 2017 4:26 pm
Subject: SL-2015-06-Case-172 PQA Appeal

Mr. Goldbrener,

Please see attached letter regarding your PQA appeal (471 987553). SLC Invoice #: 2186942.

Mike

Michael Giudice
Associate Case Manager – SLP Appeals/COMAD – Schools & Libraries
30 Lanidex Plaza West – N243 | Parsippany, NJ 07054
P: 973.581.7540 | F: 973.599.6525
mgiudice@sl.universalservice.org

You were recently sent a written request for information from the Payment Quality Assurance (PQA) team to assess the payment related to the SLC Invoice Number listed above. None of the requested information has been received. The information needed to complete the review is listed below.

- Entire April Service Provider Bill not just the summary page ("Third Party Services" are ineligible)



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- Proof of payment. Since the school has an ongoing outstanding balance, we need proof of payment of the past due and the current charges (\$1839.64) noted on the 4.28.15 bill
- Answers to the following questions regarding Head Start:
 - 1) Were any services provided under this FRN to Head Start students or facilities that serve them? If so, please identify the location(s) of the program(s).
 - 2) Were any services provided to any standalone buildings that serve only ineligible Head Start students and/or Adult Education students?

-----Original Message-----k

From: Simon Gold <sgoldltd@aol.com>

To: mgiudice <mgiudice@sl.universalservice.org>

Sent: Fri, Mar 17, 2017 4:48 pm

Subject: Fwd: SL-2015-06-Case-172 PQA Appeal

Hi

Following is the response to your review

The Program Compliance team is in the process of reviewing your appeal(s) of the above listed Funding Year 2014 FCC Form 471 Application for E-rate discounts. You were recently sent a written request for information from the Payment Quality Assurance (PQA) team to assess the payment related to the SLC Invoice Number listed above. None of the requested information has been received. The information needed to complete the review is listed below.

- Entire April Service Provider Bill not just the summary page ("Third Party Services" are ineligible) **Please see attached**
- Proof of payment. Since the school has an ongoing outstanding balance, we need proof of payment of the past due and the current charges (\$1839.64) noted on the 4.28.15 bill **Please see attached**
- Answers to the following questions regarding Head Start:
 - 1) Were any services provided under this FRN to Head Start students or facilities that serve them? **No**
 - 2) Were any services provided to any standalone buildings that serve only ineligible Head Start students and/or Adult Education students? **No**

Simon

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

From: Giudice, Michael <Michael.Giudice@solixinc.com>
To: 'sgoldltd@aol.com' <sgoldltd@aol.com>
Sent: Thu, Jun 1, 2017 2:30 pm
Subject: RE: SL-2015-06-Case-172 PQA Appeal

Mr. Goldbrener,

I have another follow up regarding this PQA appeal. Please advise if you are around this summer to respond.

Dear Appellant:

As we discussed in our conversation, we are in the process of reviewing your appeal(s) of the above listed Funding Year 2014 FCC Form 471 Application(s) for E-rate discounts. To complete our review, we need additional information, which is listed below.

You were recently sent a written request for information from the Payment Quality Assurance (PQA) team to assess the payment related to the SLC Invoice Number listed above. We are requesting additional information below in order to move forward with the review.

Please provide the entire Funding Year 2014 bills and the related Credit Card payments in full

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

From: Giudice, Michael <Michael.Giudice@solixinc.com>
To: 'sgoldltd@aol.com' <sgoldltd@aol.com>
Cc: bhimsworth <bhimsworth@e-ratecentral.com>
Sent: Mon, Jun 12, 2017 9:27 pm
Subject: RE: SL-2015-06-Case-172 PQA Appeal

Mr. Goldbrener,

Please see attached reminder.

Thank you.



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From: Simon Gold [<mailto:sgoldltd@aol.com>]
Sent: Thursday, June 15, 2017 10:31 AM
To: Giudice, Michael
Subject: Re: SL-2015-06-Case-172 PQA Appeal

Hi
I'd like to request an extension for this Review

Thanks

From: Giudice, Michael
Sent: Thursday, June 15, 2017 10:43 AM
To: 'Simon Gold'
Subject: RE: SL-2015-06-Case-172 PQA Appeal

My apologies this is FY 2015. We can extend through 6/27.

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

From: sgoldltd <sgoldltd@aol.com>
To: Giudice, Michael <Michael.Giudice@solixinc.com>
Sent: Thu, Jun 15, 2017 10:45 am
Subject: Re: SL-2015-06-Case-172 PQA Appeal

Thanks

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



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

From: Simon Gold <sgoldltd@aol.com>
To: michael.giudice <michael.giudice@solixinc.com>
Sent: Tue, Jun 27, 2017 10:48 pm
Subject: Fwd: SL-2015-06-Case-172 PQA Appeal

Hi

Please see attached

See attached Invoices and payments.
In total there are 4 payments on these invoices.
10/07/14 \$1792.72
12/04/2014 \$896.47
05/05/2015 \$1000
10/7/2014 \$1492.72

To summarize we were first requested to provide the April, Sprint bill and two of the payments which we provided then we were asked to provide all twelve Sprint bills and all payments which we also provided.

We were therefore surprised when we got the “Administrator’s Decision on Appeal” denying our appeal. The letter states that the appeal is denied because “Since you failed to produce specified documentation upon request”



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Request for Review

We are appealing this decision as we had actually provided all documentation to USAC. We are also requesting, should USAC require any additional documentation or clarification on the documentation that was already provided that we should have the opportunity to do so.

We appreciate this opportunity.

Leah Lax
Consultant



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

August 25, 2017

Simon Goldbrener
S. Gold Consulting Ltd.
5 Yale Drive
Monsey, NY 10952

Re: Applicant Name: YESHIVA IMREI YOSEF SCHOOL
Billed Entity Number: 11904
Form 471 Application Number: 987553
Funding Request Number(s): 2694040
Your Correspondence Received: February 17, 2017

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 2014 Notification of Commitment Adjustment 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. 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): 2694040
Decision on Appeal: **Denied**
Explanation:

- Since you failed to produce specified documentation upon request of an authorized representative/ an auditor, USAC denied your funding request. On the appeal, you failed to prove that USAC's decision was incorrect. Therefore, your appeal is denied.
- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon

request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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: Yehuda Kornreich