



Universal Service Administrative Company
Schools & Libraries Division

DEC 26 2017 PM 2:31

Administrator's Decision on Appeal – Funding Year 2015-2016

December 07, 2017

Leah Lax
S Gold Consulting
5 Yale Drive
Monsey, NY 10952

Re: Applicant Name: MESIVTA NESIVOS HATALMUD
Billed Entity Number: 16046039
Form 471 Application Number: 1027499
Funding Request Number(s): 2790285
Your Correspondence Dated: November 02, 2017

After review of the information and documentation provided, 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 decision to adjust the funding commitment amount for the FCC Form 471 Application and funding request number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2790285
Decision on Appeal: **Denied**
Explanation:

- During a Payment Quality Assurance (PQA) review, the applicant failed to provide the following requested documentation: documentation to prove non-profit/government subdivision status, status as school/school district, list of entities receiving products and/or services, service provider bill(s), proof of reimbursement from the service provider, proof that the applicant paid its non-discounted share of costs for products or services, technology plan approval letter (if applicable), service provider selection documentation, and documentation to prove compliance with Children's Internet Protection Act (CIPA). Because the applicant did not provide the requested documentation, there is no evidence that the applicant was compliant with program rules. The PQA reviewer was unable to determine if E-rate payments were made in accordance with FCC rules.

In addition, FCC rules require schools and libraries, as well as service providers, to retain all documents related to the application for, receipt of, 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 and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since the applicant did not provide all of the requested documentation, applicant has violated FCC rules. Therefore, the commitment was been rescinded in full and USAC sent a Notification of Commitment Adjustment Letter to the applicant to seek recovery of any improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.

- USAC Schools and Libraries Division oversees the administration of the E-rate Program and has the authority to make decisions concerning the administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations. *See* 47 C.F.R. sec. 54.705(a)(1)(iii). To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information available. *See* Request for Review of the Decision of the Universal Service Administrator by Marshall County School District, Moundsville, West Virginia, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File Nos. SLD-220105, et al., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically, applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006) (Bishop Perry Order). *See* also Application Review posted in the SLD section of the USAC website. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant may be provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Mrs Chana Wolner
Mesivta Nesivos Hatalmud
1640 44th Street
Brooklyn, NY 11204

Billed Entity Number: 16046039
Form 471 Application Number: 1027499
Form 486 Application Number:

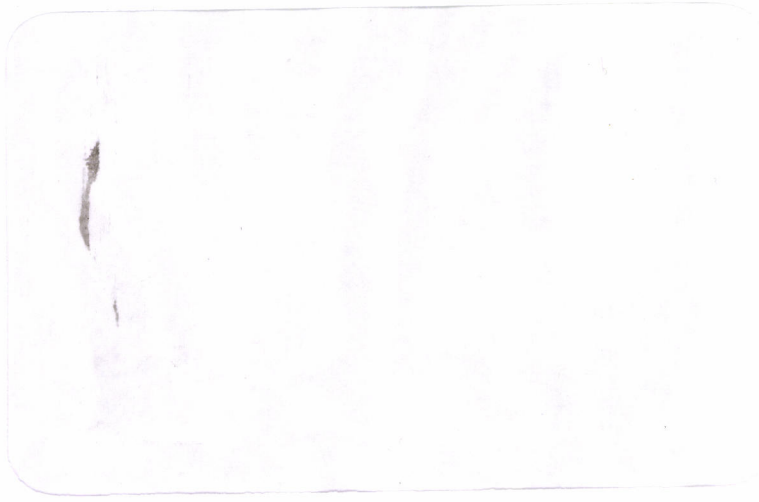
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