



Terri Hoskins
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Senior Legal Counsel

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February 26, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 02-6: In the Matter of Request for Waiver of Invoice Deadline

FCC Form 471 Application Number: 789034

Funding Request Number: 2135061

Funding Year: 2011

E-rate Beneficiary: San Diego Unified School District, BEN# 143662

Service Provider: AT&T DataComm, Inc.

SPIN: 143004812

SLD Invoice: 2814122

Amount Due AT&T: \$50,947.00

Contact Information for Appeal: See below

Summary of Request for Waiver

AT&T Services, Inc. on behalf of its affiliate AT&T DataComm, Inc. ("AT&T") requests a waiver of the invoice deadline and the deadline to submit an appeal of the Administrator for FRN 2135061 because AT&T did not receive notice of the Universal Service Administrative Company's ("the Administrator") Decision on Appeal and corresponding invoicing deadline until after the deadline lapsed.

Background

On August 6, 2018, AT&T opened a case with the Administrator's Customer Service Bureau (Case #244757) via E-rate Productivity Center ("EPC") and submitted an appeal of an invoicing decision to the Administrator for consideration using the instructions for submitting appeals for Funding Years 2015 and previous years.^{1 2} On August 13, 2018, the EPC user interface indicated that the appeal was "closed," and on that same day, AT&T submitted an inquiry via EPC to inquire on the disposition of the appeal.³ On August 27, 2018, the

¹ Attachment 1 - Invoicing Appeal submitted by Debra McNicoll, Lead Channel Manager/E-rate Compliance, AT&T, dated August 6, 2018.

² Schools and Libraries (E-rate) Program, EPC User Guide: Appeals, at pp. 18 – 20, <https://www.usac.org/res/documents/sl/pdf/handouts/SL-File-An-Appeals-User-Guide.pdf>

³ See Attachment 2 – EPC print out, noting Case Details and Case Notes, *see* Note 1.

Administrator responded to the August 13th inquiry, stating that the appeal was still pending.⁴ AT&T received no further updates on this appeal through EPC.

After receiving no further updates on this appeal through EPC, AT&T manually submitted inquiries on October 2, 2018, November 7, 2018, December 26, 2018, and January 7, 2019 to Pamela Lloyd, Senior Manager of Program Management, and Jeff Walsh, Schools and Libraries Division ('SLD') staff member, requesting status on the appeal.⁵ AT&T has no record of receiving a response to these inquiries. Finally, on January 25, 2019, the Administrator's representatives responded to AT&T's request for a conference call to discuss this matter.

On January 31, 2019, AT&T participated in a conference call with the Yvie Mondenge, SLD staff member, who advised that AT&T's appeal of the Administrator's previous invoicing decision was approved on November 7, 2018. Ms. Mondenge advised that the Administrator sent the notice granting the appeal to the address included in the appeal via US Mail. AT&T verified the accuracy of the address on file with the Administrator and conducted a thorough search of its office and has no record of receiving any notice relating to the appeal at that address via US Mail.

On February 5, 2019, AT&T had another conference call with the Administrator's representatives to discuss options for submitting an invoice for payment of the remaining funds since the new invoicing deadline expired before AT&T knew the appeal had been granted. On February 6th, the Administrator's representatives advised AT&T to submit a request for a waiver of the invoicing deadline to the FCC.

On February 26, 2019, Raquel Noriega, AT&T Director – Regulatory and Government Affairs and the undersigned, met via conference call with Pamela Lloyd and Leslie Frelow, representing the Administrator, to discuss the timeline of the communications concerning this matter. On that call, the Administrator's representatives indicated that Yvie Mondenge attempted to contact AT&T on November 8, 2018 and left a voice message requesting a call back.⁶ The Administrator's Decision on Appeal was subsequently released on November 9, 2018, which gave AT&T 30 days, i.e. until December 9, 2018, to file an updated invoice, and established January 8, 2019 as the deadline to file an appeal with the FCC concerning this matter.⁷

⁴ *Id.* at Note 2.

⁵ See Attachment 3 – Various email correspondence between Debra McNicoll, Lead Channel Manager, AT&T to Pamela Lloyd and Jeff Walsh.

⁶ See Attachment 4 – Email correspondence dated November 8, 2018 from Yvie Mondenge to Pamela Lloyd, RE: Service Case #244757.

⁷ See Attachment 5 – Administrator's Decision on Appeal – Funding Year 2011-2012, dated November 9, 2018, approving AT&T's August 6, 2018 appeal.

Request for Waiver

AT&T hereby requests a waiver of the invoicing deadline associated with SLD Invoice 2814122 for \$50,947.00 and waiver of the deadline to submit an appeal associated with this matter. Good cause justifies granting AT&T's waiver requests. First, AT&T provided discounted service in compliance with E-rate program rules during the relevant funding year to the E-rate beneficiary. In addition, AT&T timely filed its appeal of the Administrator's initial invoicing decision, which was eventually granted. After AT&T learned that EPC does not provide status on appeals associated with funding years prior to 2015, AT&T opened a case with the Administrator's Customer Service Bureau (Case #244757) and manually requested status from the Administrator on the appeal four times before learning the new invoicing deadline and window to appeal expired before AT&T had knowledge of the deadlines. There was an unfortunate breakdown in communication between AT&T and the Administrator in this case. AT&T only learned of the disposition of the appeal and corresponding invoicing deadline after making several requests. In sum, AT&T, in good faith, diligently requested information concerning its appeal in order to submit an invoice on a timely basis and should not be penalized for the shortcomings of EPC and US Mail. Accordingly, AT&T should be permitted to submit its final invoice to collect the remaining amount due associated with this FRN.

Respectfully submitted,

/s Terri L. Hoskins

AT&T Services, Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036
(202)457-3047
terri.l.hoskins@att.com

cc: Leslie Frelow, USAC
Pamela Lloyd, USAC

ATTs



ATTACHMENT 1

August 6, 2018

Re: Invoice short pay \$50,947.10. SLD Invoice #: 2814122 Invoice Line Item #: 9176766
SPIN: 143004812, AT&T DataComm, Inc.
Applicant Name: San Diego City Unified School District
BEN: 143662
471 App #: 789034
FRN: 2135061
Fund Year: 2011
LDTI: 5/29/2018

Dear USAC,

AT&T DataComm, Inc. SPIN: 143004812 submitted SLD Invoice #: 2814122 Invoice Line Item #: 9176766 in the amount of \$1,018,940.92 on May 18, 2018. On May 21, 2018 USAC sent a request for documentation, including a customer Service Certification related to the above invoice. The requested documentation was provided. AT&T DataComm, Inc. then received an electronic remittance statement which advised USAC would pay \$967,993.92. The stated reason code for the short payment was: Amount Requested Not Supported by Bill(s);204;" | This is a short pay of \$50,947.10.

On June 12, 2018 Cheryl Revor, Sr. Sourcing Specialist AT&T e-mailed Brandon Pasanen requesting additional information regarding the partial denial reason provided on the remittance statement. Brandon Pasanen responded with: *"Invoices are modified based on the total eligible amount billed. The applicant portion billed \$107,554.88 within the invoice provided; therefore, total eligible disbursement at 90% discount was \$967,993.92 (\$107,554.88 / 10%) X 90% = \$967,993.92. The reduction amount is therefore the difference between the request & the above amount. \$1,018,940.92 - \$967,993.92 = \$50,947.00".*

AT&T DataComm, Inc. and San Diego City USD entered into contractual payment terms which allowed for San Diego City USD to withhold 10% of their payment to allow for the review of the bills received from AT&T DataComm, Inc. In this instance, San Diego City USD withheld only 5% or \$5,660.78. San Diego City USD submitted a Service Certification as requested by USAC associated with SLD Invoice #: 2814122 Invoice Line Item #: 9176766 for FRN: 2135061 which stated payment would be made no later than 9/1/2018. San Diego City USD rendered a payment to AT&T DataComm, Inc on 7/27/2018 in the amount of \$21,984.31, which includes the \$5,660.78 for AT&T Invoice Number: 31915190 192 that San Diego City USD previously withheld. The remaining portion of the payment was posted to Account 31915190 192 NON-ERATE in the amount of \$16,323.53.

The last date to invoice for FRN 2135061 was 5/29/2018 which does not allow for AT&T DataComm, Inc. to re-invoice for the unpaid portion. Due to the fact that the AT&T invoice to



ATTACHMENT 1

San Diego City USD has been paid in full by the date indicated on the Service Certification for this invoice, AT&T DataComm, Inc. requests that USAC remit the remaining \$50,947.00 requested on the above referenced Form 474 invoice line item to AT&T DataComm, Inc.

Thank you,

Debra McNicoll

Lead Channel Manager / E-Rate Compliance

Business Solutions & International

AT&T

1587 Franklin St. Rm. 2286, Oakland, CA. 94612

w 510.238.5904 m 415.519.7656 | debra.mcnicoll@att.com

Attachments:

AT&T bill reflecting payment and zero balance

Notification from San Diego of Payment

Email exchange with USAC

ATTACHMENT 2

▼ Case Details

Topic Appeals - Other
Status Closed
Priority Medium
Inquiry Type Web

Form Type FCC Form 474
Form Number 28141229176766
Created By DEBRA A MCNICOLL
Created On 8/6/2018 3:45 PM PDT
Organization AT&T DataComm, LLC

▼ Case Description

Description AT&T DataComm, Inc is appealing the short pay of \$50,947.10 on invoice SLD Invoice #: 2814122. See document labeled Appeal San Diego City USD Short Pay and other documents attached.

▼ Case Thread

User	Note	Date
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding Customer Service Case #244757 - FY2011 Appeal.</p> <p>Appeal is currently under review. Once a decision has been made, you will receive an Appeal Decision Letter and Revised Funding Commitment Decision Letter, if applicable, via postal mail.</p> <p>If you have additional questions, please contact us at (888) 203-8100.</p> <p>Thank you, Danielle S. Universal Service Administrative Company (USAC) Client Service Bureau</p>	8/27/2018 7:56 AM PDT
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding FY2011 Appeal.</p> <p>We have escalated your case to USAC customer service management for a response.</p> <p>If you have additional questions please contact us at (888)-203-8100.</p> <p>Thank you, Avila W. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	8/15/2018 7:25 AM PDT
DEBRA A MCNICOLL	<p>I received an update notice that: " Additional Information regarding case # 244757 has been provided. Please review the case and take appropriate action." When i open the case in EPC that status was closed. What was the outcome? Is the appeal approved or denied? Please advise</p> <p>Debra McNicoll dm1461@us.att.com</p>	8/13/2018 3:59 PM PDT
USAC	<p>Thank you for submitting your correspondence to the Schools & Libraries Division (SLD) of the Universal Service Administrative Company.</p> <p>This message serves as a receipt confirmation of your submission.</p>	8/13/2018 8:40 AM PDT
USAC	<p>Your appeal has been received and forwarded to the appropriate department.</p> <p>USAC will process your appeal for FY2015 (and previous years) in the following manner:</p> <ol style="list-style-type: none">1. USAC receives the appeal in EPC as a customer service case.2. USAC reviews the customer service case and closes the case.3. USAC sends a paper letter of acknowledgment that we received your appeal.4. USAC reviews your appeal and processes it.5. USAC mails a decision letter when the review is complete. <p>During the appeal review process, USAC may need you to answer questions and/or provide additional information to support your appeal. For FY2015 and previous year appeals, USAC will complete this communication via email, phone, and USPS mail.</p> <p>If you have any additional questions or concerns, you may add a note to this case or contact the Client Service Bureau at 888-203-8100.</p>	8/8/2018 10:58 AM PDT

Note 2

Note 1

ATTACHMENT 3

10/2/18



MCNICOLL, DEBRA A

○ Pamela Lloyd; ○ Jeff Walsh; ○ NORIEGA, RAQUEL ▾

10/2

RE: Virtual Introduction to the New Invoicing Manager at SLD!

You replied to this message on 10/10/2018 12:53 PM.
We removed extra line breaks from this message.

Hello USAC,

Following up on a couple of items:

1. Status of Customer Service Case #244757 - Appeal San Diego City USD -SLD Invoice #: 2814122 Invoice Line Item #: 9176766 short pay. Applicant Name: San Diego City Unified School District BEN: 143662 471 App #: 789034 FRN: 2135061
2. Release of EPC Tool for Invoice Extension. <https://www.usac.org/sj/tools/news/default.aspx#2378> I have reviewed the tool and note that it is limited to 600 characters. With FRNs up to 10 digits, that's allows for only 60 per request. While this is likely enough for most, as a large provider we were hoping for the ability to upload or provide a file. Is that something that is or will be available in the near future.

Thank you,

Debra McNicoll

Lead Channel Manager, Business Operations

Managed Client Solutions and Operations

Compliance (E-Rate & RHC Programs)

AT&T

1587 Franklin St. Rm. 2286, Oakland, CA. 94612 w 510.238.5904 m 415.519.7656 | dm1461@att.com <<mailto:dm1461@att.com>>

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ATTACHMENT 3

11/7/18



MCNICOLL, DEBRA A

👤 Jeff Walsh; 👤 Pamela Lloyd; 👤 NORIEGA, RAQUEL ▾

11/7/2018

Service Case #244757 - Appeal San Diego City USD



Hello Jeff and or Pamela,

Still looking for a status of the Appeal on Service Case #244757 - Appeal San Diego City USD -SLD Invoice #: 2814122 Invoice Line Item #: 9176766 short pay. **Applicant Name:** San Diego City Unified School District **BEN:** 143662 **471 App #:** 789034 **FRN:** 2135061. Any assistance you can provide to expedite is appreciated.

Thank you,

Debra McNicoll

Lead Channel Manager, Business Operations

Managed Client Solutions and Operations

Compliance (E-Rate & RHC Programs)

AT&T

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NORIEGA, RAQUEL | [Pamela.Lloyd@usac.org](#); [Jeff Walsh](#); [MCNICOLL, DEBRA A](#)

12/26/21

FW: Service Case #244757 - Appeal San Diego City USD

Pam & Jeff,
Thanks for looking into the DPL related to FRN 258373.
Could your team also look into the status of the appeal noted below.
Any assistance would be much appreciated.

Raquel Noriega

Director|Federal Regulatory|AT&T
1120 20th Street NW Suite 1000|Washington, DC 20036-3406
m +1.202.412.5623|o +1.202.457.2141|raquel.noriega@att.com

From: MCNICOLL, DEBRA A
Sent: Wednesday, November 07, 2018 11:22 AM
To: 'Jeff Walsh' <Jeff.Walsh@usac.org>; 'Pamela Lloyd' <Pamela.Lloyd@usac.org>
Cc: NORIEGA, RAQUEL <rn7094@att.com>
Subject: Service Case #244757 - Appeal San Diego City USD

Hello Jeff and or Pamela,

Still looking for a status of the Appeal on Service Case #244757 - Appeal San Diego City USD -SLD Invoice #: 2814122 Invoice Line Item #: 9176766 short pay. **Applicant Name:** San Diego City Unified School District **BEN:** 143662 **471 App #:** 789034 **FRN:** 2135061. Any assistance you can provide to expedite is appreciated.

Thank you,

Debra McNicoll

Lead Channel Manager, Business Operations
Managed Client Solutions and Operations
Compliance [E-Rate & RHC Programs]

AT&T

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12/26/18



NORIEGA, RAQUEL | HAWKINS-BLACK, PAM; MCNICOLL, DEBRA A ▾

12/26/

FW: Service Case #244757 - Appeal San Diego City USD

Pam,
Thanks for looking into the DPL related to FRN 258373.
Could your team also look into the status of the appeal noted below.
Any assistance would be much appreciated.

Thanks,
Raquel Noriega
Director|Federal Regulatory|AT&T
1120 20th Street NW Suite 1000|Washington, DC 20036-3406
m +1.202.412.5623|o +1.202.457.2141|raquel.noriega@att.com

From: MCNICOLL, DEBRA A
Sent: Wednesday, November 07, 2018 11:22 AM
To: 'Jeff Walsh' <Jeff.Walsh@usac.org>; 'Pamela Lloyd' <Pamela.Lloyd@usac.org>
Cc: NORIEGA, RAQUEL <rn7094@att.com>
Subject: Service Case #244757 - Appeal San Diego City USD

Hello Jeff and or Pamela,

Still looking for a status of the Appeal on Service Case #244757 - Appeal San Diego City USD -SLD Invoice #: 2814122 Invoice Line Item #: 9176766 short pay. **Applicant Name:** San Diego City Unified School District **BEN:** 143662 **471 App #:** 789034 **FRN:** 2135061. Any assistance you can provide to expedite is appreciated.

Thank you,

Debra McNicoll
Lead Channel Manager, Business Operations
Managed Client Solutions and Operations
Compliance (E-Rate & RHC Programs)

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1/7/2019 & 1/25/2019



NORIEGA, RAQUEL | Pamela Lloyd; Jeff Walsh; MCNICOLL, DEBRA A ▾

RE: Service Case #244757 - Appeal San Diego City USD -

1/25,

Many thanks, Pamela.
Looking forward to catching up this coming Thursday.

Raquel Noriega
Director | Federal Regulatory | AT&T
1120 20th Street NW Suite 1000 | Washington, DC 20036-3406
m +1.202.412.5623 | o +1.202.457.2141 | raquel.noriega@att.com

From: Pamela Lloyd <Pamela.Lloyd@usac.org>
Sent: Friday, January 25, 2019 11:54 AM
To: NORIEGA, RAQUEL <rn7094@att.com>; Jeff Walsh <Jeff.Walsh@usac.org>
Cc: MCNICOLL, DEBRA A <dm1461@att.com>
Subject: RE: Service Case #244757 - Appeal San Diego City USD -

Yes. I will schedule a call

From: NORIEGA, RAQUEL [<mailto:rn7094@att.com>]
Sent: Friday, January 25, 2019 9:56 AM
To: Pamela Lloyd; Jeff Walsh
Cc: MCNICOLL, DEBRA A
Subject: RE: Service Case #244757 - Appeal San Diego City USD -

Pam,
Do you have time for a quick call later today or next week to catch up on this issue?

Raquel Noriega
Director | Federal Regulatory | AT&T
1120 20th Street NW Suite 1000 | Washington, DC 20036-3406
m +1.202.412.5623 | o +1.202.457.2141 | raquel.noriega@att.com

From: NORIEGA, RAQUEL
Sent: Monday, January 7, 2019 11:59 AM
To: Pamela Lloyd <Pamela.Lloyd@usac.org>; Jeff Walsh <Jeff.Walsh@usac.org>
Cc: MCNICOLL, DEBRA A <dm1461@att.com>
Subject: RE: Service Case #244757 - Appeal San Diego City USD -

Pam,
Any updates on this matter?
Thanks,

Raquel Noriega
Director | Federal Regulatory | AT&T
1120 20th Street NW Suite 1000 | Washington, DC 20036-3406
m +1.202.412.5623 | o +1.202.457.2141 | raquel.noriega@att.com

ATTACHMENT 4

Subject: FW: Service Case #244757 - Appeal San Diego City USD

From: Yvie Mondenge <Yvie.Mondenge@usac.org>
Sent: Thursday, November 8, 2018 5:18 PM
To: Pamela Lloyd <Pamela.Lloyd@usac.org>
Subject: RE: Service Case #244757 - Appeal San Diego City USD

Pam,

I have contacted the appellant. I left a voice mail message requesting the appellant contact me.

Yvie

From: Pamela Lloyd
Sent: Thursday, November 08, 2018 8:47 AM
To: Yvie Mondenge
Subject: FW: Service Case #244757 - Appeal San Diego City USD

Hi there- can you look into this and contact the applicant?

From: Jeff Walsh
Sent: Wednesday, November 07, 2018 2:39 PM
To: Pamela Lloyd
Subject: FW: Service Case #244757 - Appeal San Diego City USD

Do you want to reply?

The appeal was completed today and the FRN will be granted a 30 day extension to reinvoice.

You can share this info with Debra.

Jeff Walsh
(202) 423-2610 (ph) / (202) 776-0080 (fax)
Jeff.Walsh@usac.org / www.usac.org

From: MCNICOLL, DEBRA A [<mailto:dm1461@att.com>]
Sent: Wednesday, November 07, 2018 2:22 PM
To: Jeff Walsh; Pamela Lloyd
Cc: NORIEGA, RAQUEL
Subject: Service Case #244757 - Appeal San Diego City USD

Hello Jeff and or Pamela,

ATTACHMENT 4

Still looking for a status of the Appeal on Service Case #244757 - Appeal San Diego City USD -SLD Invoice #: 2814122
Invoice Line Item #: 9176766 short pay. **Applicant Name:** San Diego City Unified School District **BEN:** 143662
471 App #: 789034 **FRN:** 2135061. Any assistance you can provide to expedite is appreciated.

Thank you,

Debra McNicoll

Lead Channel Manager, Business Operations
Managed Client Solutions and Operations
Compliance (E-Rate & RHC Programs)

AT&T

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Debra McNicoll
AT&T
1587 Franklin Street, Rm. 2286
Oakland, CA 94612

Billed Entity Number: 143662
Form 471 Application Number: 789034
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2011-2012

November 09, 2018

Debra McNicoll
AT&T
1587 Franklin Street, Rm. 2286
Oakland, CA 94612

Re: Applicant Name: SAN DIEGO CITY UNIF SCH DIST
Billed Entity Number: 143662
Form 471 Application Number: 789034
Funding Request Number(s): 2135061
Your Correspondence Dated: August 06, 2018

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 Remittance Statement 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): 2135061
Decision on Appeal: **Approved**
Explanation:

- Based on your appeal letter and the relevant documentation, your appeal is approved and you have 30 days from the date of this notification to submit an invoice.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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 in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC

ATTACHMENT 5

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