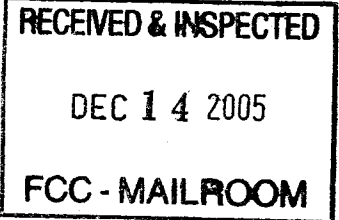


November 30, 2005

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*Due*  
*3/14/06*



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**FCD Letter:**

Billed Entity Name: New Summerfield Independent School District  
Billed Entity Number: 140739  
Form 471 Application Number: 448525  
Funding Request Number: 1233975

**E-Rate Administrators:**

I am writing on behalf of our school district to appeal the SLD's decision to deny funding of \$2335.50 for payment of Internal Connections services provided by I-Silver, Inc. (SPIN 143024847) and to request a review of the subsequent decision made by the SLD to deny our appeal. In the decision explanation, the SLD stated, "30% or more of this FRN includes a request for LUISA software suite, which is an ineligible product based on program rules." We are disputing this decision based on the eligibility rules defined in the Eligible Services List.

We have communicated with Stephen Kyle Blake, president of I-Silver, Inc. and received his assistance in verifying that the requested services are eligible for E-Rate discounting, and it is our contention that LUISA, as it is used by our school district, is an eligible product using the following approved features, which provide core services as defined in the Eligible Services List:

**Description:** E-mail Service provides for the transmission of simple text messages and other embedded data.

**Eligibility:** E-mail service is eligible for discount.

**Description:** Firewall service provides protection against unauthorized access.

**Eligibility:** A firewall service may be funded as a part of the Internet access because a firewall is necessary to ensure continued operation of the network.

**Description:** Caching is a method that stores recently accessed information, so that it can be displayed more quickly if required again.

**Eligibility:** Devices such as caching servers that store information accessed from the Internet may improve the delivery of information, but are not essential for transporting this information to the classroom or library. Therefore, such devices, if priced separately,

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are not eligible. Some otherwise eligible devices provide caching on an ancillary basis, and funding for the eligible device is possible in some cases. Please see the Special Eligibility Condition below for further information.

**\*Note:** Caching is an ancillary function of LUISA as it is utilized by our district.

**Description:** A proxy server is a device that sits between "trusted clients" (e.g., workstations inside an organization) and "untrusted clients" (e.g., the Internet) and provides security features and oftentimes address translation. To the untrusted clients, communication appears to be taking place with the proxy, even though the communication is passed through, to and from the trusted clients.

**Eligibility:** A proxy server is eligible for discount if it provides basic and reasonable security protections to prevent unauthorized access to the information, software, and systems of an applicant's eligible components.

**Description:** A Web server is a computer file server used to provide information to users of the Internet, and can also be used to provide web-based software applications and other web-based functions.

**Eligibility:** A web server used to provide content to users of the Internet is eligible for discount. A Web server used for ineligible functions such as providing software applications, database functions, or storage of end user files is considered an Application Server, Database Server, or Archive Server, respectively, and therefore is not eligible.

**\*Note:** The web server functions provided by the LUISA suite within our district do not include provision of software applications or utilize end user file storage.

**Description:** Routers are switching devices that can act as an interface between two networks, and connect different segments such as departments or floors in a building. Functionally, routers select the routing path for traffic, may provide features such as load balancing, and can provide trouble shooting diagnostic capabilities.

**Eligibility:** A router and the core router operating system are eligible for discount when used for an eligible purpose. Some products may have modules or features that are not eligible, such as functionality for content filtering, management, caching, and Virtual Private Networks. If these ineligible components are available separately, or the applicant specifically seeks the ineligible functions, their cost must be subtracted from the amount eligible for discount. If the ineligible components are not available separately, the full product may be eligible for discount, but only if the conditions for ancillary use apply.

**Description:** A gateway is a network device that acts as an entrance to another network, and often is used to connect two otherwise incompatible networks.

**Eligibility:** A gateway that interconnects network segments is eligible if used for an eligible purpose. The use of gateways or other devices for caching or other ineligible functions is not eligible.

**\*Note:** The gateway functions of LUISA within our district do not include those that are ineligible.

**Description:** An Operating System is software that enables the basic operations of a computer system or other electronic device. For example, it can configure the

communication paths between memory and storage. Other software depends on the functions of the operating system in order to operate correctly.

**Eligibility:** Software required to obtain operation of eligible equipment, such as network operating system software, is eligible if required as a core component of an eligible Internal Connection.

**\*Note:** LUISA is required as a core component of our eligible Internal Connections.

**Description:** Basic maintenance services are "necessary" if, but for the maintenance at issue, the connection would not function and serve its intended purpose with the degree of reliability ordinarily provided in the marketplace to entities receiving such services without e-rate discounts. Basic maintenance services do not include services that maintain equipment that is not supported or that enhance the utility of equipment beyond the transport of information, or diagnostic services in excess of those necessary to maintain the equipment's ability to transport information.

**Eligibility:** Basic maintenance is eligible for discount only if it is a component of a maintenance agreement or contract for eligible services or products, and these maintenance services are cost effective. The agreement or contract must specifically identify the eligible products or services covered, including product name, model number, and location. The following products and services are generally eligible: repair and upkeep of eligible hardware, wire and cable maintenance, basic technical support and configuration changes. The following products and services are ineligible: on-site technical support (i.e., contractor duty station at the applicant site, when off-site technical support can provide basic maintenance on an as-needed basis), 24-hour network monitoring, network management, help desks (that provide a comprehensive level of support beyond basic maintenance of only eligible components), and technical support contracts that are more than basic maintenance.

**\*Note:** We believe the maintenance contract between NSISD and I-Silver, Inc. meets all eligible requirements.

**Description:** Technical services provide service provider expertise for the implementation or maintenance of technology.

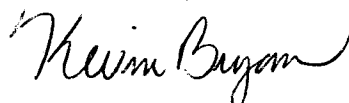
**Eligibility:** Technical services are eligible if they are tied directly to, and required for, installation, basic configuration, and initial operation of eligible products and services.

**\*Note:** We believe the technical services provided by iSilver, Inc. meets the "basic configuration" requirement for eligibility.

Based on these factors, we hereby request that the FCC grant funding for the LUISA product as it is used by New Summerfield Independent School District as originally requested but then denied by the SLD.

Thank you in advance for your expeditious consideration of this appeal. If you require further information or comment, you may contact me.

Sincerely,

A handwritten signature in cursive script, reading "Kevin Bayan". The signature is written in dark ink and is positioned below the "Sincerely," text.