

Letter of Appeal to FCC

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RE: Request for Review of Decision

CC Docket No. 02-6

Contact:

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Form 471 # 18100203

FRN #1899000258

Request for Review of Decision

I am appealing a decision issued April 21, 2018 that reduced FRN 1899000228 from 90% to 10 % denying the use of data on cell phones.

Background

St. Joseph School for the Deaf was founded in 1869 by The Society of the Daughter of the Heart of Mary. At one time, the program focused on teaching deaf girls dressmaking and boys printing. Today, all children have access to technology and coding classes as well as learning sign language. The Special Needs Program emphasizes the development of independent living skills, language and communication skills, and academic growth. For more than 145 years, the school has been educating deaf children.

St. Joseph School for the Deaf at 1000 Hutchinson River Pkwy, Bronx, NY 10465 was built in 1913, and is a massive 115,000 square foot three story brick building. The school has a Wi-Fi network in the classrooms, however there are dead spots in the bathrooms, hallways, and stairways. St. Joseph School for the Deaf sits on a 11-acre campus with playgrounds, playing fields, and walk ways. The staff and students use the campus daily for students.

In funding years 2015-2017, the SLD funded the use of the cellular data plans. In funding year 2018, the SLD funded the cellular service at 10%. An appeal was filed on May, 7, 2018 and was denied on July 17, 2018 because "On appeal, you are requesting that the data plans should be approved. USAC denied your funding request for data plans because you did not demonstrate that the services requested in the FRN are the most cost effective solution as required by competitive bidding rules for this service type. Your appeal did not show that USAC's determination was incorrect. Consequently, your appeal is denied."

"Additionally, you are appealing the discount percentage for this FRN. On appeal, you are requesting that the FRN should be approved at 90% discount. It was determined that FRN 1899000258 is for Voice Services. On your FCC Form 471, you listed the products and services in this FRN in the Voice Category of Service as the service type. The FRN was approved under the Voice Category of Service. Under the FCC Order 14-99, Voice services are subject to a 20% per year phase down of support beginning in Funding Year 2015. As a result, FRN 1899000258 was funded at 10% discount rate due to the phase down."

Argument

The deaf staff uses cell phones to communicate via text and facetime. They use the school's Wi-Fi network but rely on the cellular data plan when in the hallways, stairwells, and bathrooms. Staff are not always in a school Wi-Fi hot spot when an emergency or behavior disruption occurs. The cellular data provides coverage so the staff can respond immediately to a call for help. Most importantly, the use of the Wi-Fi coverage on the phones to provide texting and Facetime extend the usage to the 11-acre campus, where students use the playground, playing fields, and outdoors. This is

the only technology that provides a measure of communication for the deaf staff and students. The use of these cells is an integral part of the schools safety and communication plan. It is cost prohibitive to run cabling and WAPs over the entire building to provide wall to wall coverage of the Wi-Fi network. It is nearly impossible to run a Wi-Fi network over 11 acres.

The FCC 7th order and support states that as of 2015 data plans on cellular lines are no longer eligible unless the applicant can prove that these plans are the most cost-effective means of providing broadband at the school.

The USAC has been funding mobile Library vans to provide Wi-Fi to the students because it is the most cost-effective way to provide Internet access to the Library vans.

I would argue that using that same criteria, St. Joseph School for the Deaf should qualify for data plan reimbursement.

St. Joseph School for the Deaf was funded for data plans in 2015, 2016, and 2017, but denied on 2018. At St. Joseph's School for the Deaf, the use of the cell phones facetime and text are the only way for the staff to communicate 100% of the time and insure the safety of all students.

Form 470 # 180005289 was filed for Internet Access and/or Telecommunication, Cellular Data Plan/ Air Card Service with an RFP. The FRN for the cell service was mistakenly filed under voice. This was an error. During PIA, the reviewer knew we were seeking data plans on the cells. The reviewer never asked that the data plans be split from the cellular voice to create an Internet FRN.

I ask that you restore the funding for data plans on the cellular service for St Joseph School for the Deaf and create a separate FRN for the data plans for Internet access.

Respectfully submitted,

Janice Meyers, Owner

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