Request For Review

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC20554

Re: Name: Hillel Academy

BEN: **61271**

Funding Year: **2016**

Applications: **Form 161007136 FRN 1699009808**

RFCDL:  **09/09/2019**

November 4, 2019

Dear Sirs.

This is a letter for a request of a REVIEW regarding the above captioned USAC Notification regarding the captioned Form 471 and its FN’s.

**APPEAL DENIED -**

The letter states" *Failure to post FCC 470 for the category of service for which an applicant sought funding on the form 471.....failure to provide detailed and specific information of the services sought".* This conclusion disregards DA 14-1156 which specifically states there is no requirement for a Distance Learning listing in the ESL since this service is an **"Internet Access and/or Telecommunications**" service. This application references Form 470 160015999 which clearly requests, **"Internet Access and/or Telecommunications"** service. In addition, the same referenced form 470 clearly states in the Narrative, " **Distance Learning at least 30 sub circuits”.** We opine that Distance Learning circuitry was in fact referenced a form 470 that listed **the corrected Service Category** and **the description of the services sought in terms of type and capacity**. See attached DA 14-1156 & a marked form 470. Therefore we submit that vendors had ample opportunity to know the specific service requested and could bid accordingly.

The letter also states *“ Failure to produce such records at the request of the auditor*” Since this was an ANNUAL contract the applicant could only present the single yearly Invoice and Single yearly payment. The vendor a reseller can produce records that validate that the service was provided to the applicant for the full funding year. In addition the auditors lack of technical expertise had them come to erroneous conclusions such as a. trying to count virtual circuits, b. seeking a schematic that would indicate multiple virtual circuits distributed throughout the building.

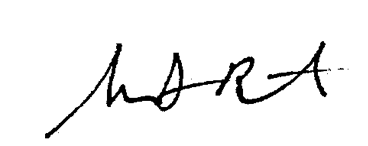
Also,” *Service provider invoiced USAC in excess of the amount billed and services provided*”

We submit that until recently it was a matter of USAC policy to permit upfront invoicing for ANNUAL contracts. This policy was stated by John Noran Senior USAC manager during Applicant Training, USAC Invoicing Webinars and in person to this author at this year’s training session. Mr. Noran said,” *Yes we used to allow upfront billing but recently changed the policy.”*

Therefore, we submit that there was no program rule violations, the form 470 was clear enough to describe to vendors who provide this type of service an opportunity to bid and that the applicant could only provide documentation it was reasonable to possess. In addition, the auditors demonstrated that they lacked the credentials and knowledge to make judgments about technical issues when seeking documentation for erroneous technical concepts such as Virtual Circuitry.

Failure to approve the FRN’s will generate considerable hardship to the school which utilized the contracted services and is responsible for its payment.

Sincerely,



Richard Bernstein

Consultant

CRN: 16062128

Attached: DA 14-1156

Form 470