

04 August 2014

Letter of Appeal

Via email: appeals@sl.universalservice.org

Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

**SUBJECT: Appeal the Dismissal of Correctable Errors on the Form
470-121690001171266 by Client Operations, Schools and Libraries Division
Via Email from SLD Correspondence.**

Funding Year:	2014
Form 470:	121690001171266
Billed Entity Name:	Breakthrough Charter Schools
BEN:	16063612

FROM: Ilze Lacis, E-Rate Central
3221 Washington Blvd
Suite #1
Cleveland Heights, OH 44118-4526

RATIONALE FOR CLIENT OPERATIONS DECISION TO DISMISS THE REQUEST TO CORRECT MINISTERIAL AND CLERICAL ERRORS VIA THE RNL FOR FORM 471-121690001171266:

Email from SLD Correspondence on June 3, 2014: *“We received your request to correct ministerial and clerical errors on FY 2013 Form 470 # 121690001171266. However, since changes to Block 4, item 15 Billed Entities are not considered correctable errors, your request is dismissed, Please see the USAC website for a list of allowable/correctable changes at <http://usac.org/res/documents/sl/pdf/List-of-Correctable-Ministerial-and-Clerical-Errors.pdf>.*”¹

Breakthrough Charter Schools respectfully appeals the decision by Client Operations of the Schools and Libraries Division to dismiss the request to correct ministerial and clerical errors on FY 2014 Form 470-121690001171266 via the Receipt Notification Letter (“RNL”).

¹ Attachment 1 – Email from SLD Correspondence on June 3, 2014.

Background and Discussion

The Form 470-121690001171266 is the Form 470 that established the competitive bidding process for the services for ten Breakthrough Charter Schools in Cleveland, Ohio. Due to a ministerial and clerical error the Breakthrough Charter School New (BEN 16075885) was omitted from the list on the Form 470. The clerical error was noticed in reviewing the Form 470 Receipt Notification Letter (RNL).²

Firstly, On the RNL Item # 5c (Number of Eligible Entities) was corrected from 9 to 10 entities. This correction is clearly permitted. Secondly, for Item #15 (Billed Entities), corrections, i.e. clerical and ministerial errors, are permitted. The correction was noted on the RNL in the appropriate area for Item #15 on page 4. The correction is noted as allowed. If it were not allowed, it would be so noted on the RNL as it is for Items #8 through 11, wherein the RNL clearly states that 'Corrections not allowed'. I received an email on June 3, 2014 from SLD Correspondence that stated that the "...Item #15 is not considered a correctable error..."³ – which is clearly the wrong conclusion.

Furthermore, I opened Case #22-643971 on June 3, 2014 with the Client Service Bureau and spoke with Cathy Carley who reviewed the sample RNL letter.⁴ She concluded that, indeed, the correction with the entity was permitted. Ms. Carley checked with Jackie Creel in the Technical Services Bureau. Ms. Creel concurred that the correction was allowed.

*"Ministerial and clerical (M&C) errors are defined as data entry errors or mistakes applicants made on the FCC Form 470 or FCC Form 471. "Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error." (Order FCC 11-60, released April 14, 2011). USAC can process requests to correct M&C errors up until the time that a Funding Commitment Decision Letter (FCDL) is issued."*⁵ The M&C error was due to not including the 'Breakthrough Charter New School.

It is of interest to note that the Email from Client Operations states: *"We received your request to correct ministerial and clerical errors on **FY 2013** Form 470 # 121690001171266..."*, noting that it is for FY 2013. However, the Form 470 # 121690001171266 is **for FY 2014**. One could conclude that Client Operations may have dismissed the RNL without a thorough review.

Thus, via this appeal letter I request that the correction via the RNL to include the Breakthrough Charter New School (BEN 16075885) is included in the Form 470-121690001171266 for FY 2014.

Attached is a copy of the RNL and the email that was sent subsequently.

² Receipt Notification Letter with corrections

³ Email sent by SLD Correspondence on June 3, 2014.

⁴ <http://www.usac.org/res/documents/sl/pdf/samples/470RNL.pdf>

⁵ <http://www.usac.org/sl/applicants/step02/clerical-errors.aspx>

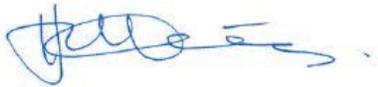
Please note, that subsequently the Breakthrough Charter New School (BEN 16075885) has undergone a name and address change. Attached are the attendant BEN changes.

Summary

This letter of appeal to the Administrator humbly requests that the Administrator reconsider the dismal of the RNL Ministerial and Clerical error and permits the requested changes on the Form 470-121690001171266.

Thank you for your consideration of this appeal.

Respectfully submitted,



Ilze Lacis, Consultant, E-Rate Central
for Breakthrough Charter Schools

Attachments:

- Letter of Agency for to E-Rate Central
- Email from SLD Correspondence on June 3, 2014
- Email with RNL
- Receipt Notification Letter with corrections
- Three (3) BEN changes for name and address for BEN 16075885