

Received & Inspected

PETITION FOR RECONSIDERATION

MAR 30 2015

CC Docket no. 02-6

FCC Mail Room

To :

FCC

Ryan Palmer, Chief

Telecommunications Access Policy Division

Wireline Competition Bureau

445 12<sup>th</sup> Street SW

Washington DC 20554

re: DA No. 15-261, released February 26, 2015

for Application numbers. 591853, 652683, 711947, 789620,831131, 879327.

From:

Kathleen Blossom, Director

The Cradle -Library Service

213 Hailey Road

Berryville AR 72616

870-423-6811

Regarding: Disregard by USAC of FCC directive given in FCC's Bootheel Consortium Order:

10. *Additional Processing Directives for USAC.* As of the effective date of this Order, when USAC has reason to believe that an applicant's funding request includes services for ineligible entities, USAC shall: ... (2) offer to work with the applicant and the relevant state agency to resolve the eligibility status of the entity.

The USAC Letters of Denial dated June 20th and 23rd, 2014 make no mention of offering to work to resolve the eligibility issue. (see enclosed sample copy of letters).

Our request is that the FCC uphold its own directive to USAC, instructing USAC to work with The Cradle-Library Service and the Arkansas State Library to resolve the questioned eligibility status.

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- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. See 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. See Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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 under the Reference Area/"Appeals" of the SLD section of the USAC 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

\* this same language is used on the other denials -

Submitted to FCC - Petition for Reconsideration  
CC Docket 02-6



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

June 23, 2014

Kathleen Blossom  
The Cradle  
213 Hailey Road  
Berryville, AR 72616

Re: Applicant Name: THE CRADLE  
Billed Entity Number: 16025716  
Form 471 Application Number: 831131  
Funding Request Number(s): 2257216, 2257221  
Your Correspondence Dated: May 29, 2014

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 Funding Year 2012 Notification of Commitment Adjustment Letter 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 to the Federal Communications Commission (FCC). 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): 2257216, 2257221  
Decision on Appeal: **Denied**  
Explanation:

- According to our records, it has been determined that services were installed or delivered to ineligible entity; The Cradle. This entity is ineligible to receive discounts. FCC rules require that discounts are to be provided only to entities eligible to receive funding. The Coordinator of E-Rate Services has advised USAC that The Cradle is not recognized by the Arkansas State Library as an eligible public library of the state under the 1996 Library Services and Technology Act. The Cradle is a private library and Arkansas does not recognize private libraries. Since funding was provided to an ineligible entity, the program rules have been violated. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.