



**Table of Exhibits**

<b>#</b>	<b>Date</b>	<b>Exhibit</b>
A	April 16, 2013	USAC Funding Commitment Decision Letter
B	September 30, 2014	School's Form 500
C	September 29, 2014	School's Implementation Extension Request
D	January 16, 2015	USAC Letter Denying Implementation Extension Request
E	March 17, 2015	School's Appeal to USAC
F	April 21, 2015	USAC Letter Denying Appeal
G	March 17, 2015 April 29, 2015	Appeal by Invictus Preparatory Charter School to USAC and USAC Approval of Appeal
H	September 23, 2013 November 8, 2013	Appeal by Invictus Preparatory Charter School to USAC and USAC Approval of Appeal
I	September 23, 2013 January 8, 2014	Implementation Extension Request by Renaissance Charter High School for Innovation and Approval of Request
J	September 23, 2013 January 20, 2014	Implementation Extension Request by Dr. Richard C. Izquierdo Health and Science Charter School to USAC and USAC Approval of Appeal

# Exhibit A

FUNDING COMMITMENT REPORT  
Billed Entity Name: FAHARI ACADEMY CHARTER SCHOOL  
BEN: 16052017  
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 854812  
Funding Request Number: 2325153  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 764870000956349  
SPIN: 143027575  
Service Provider Name: VR Networks Inc.  
Contract Number: 1584 and 1585  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 03/07/2012  
Contract Expiration Date: 06/30/2017  
Site Identifier: 16052017  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$132,398.00  
Pre-discount Amount: \$132,398.00  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$119,158.20 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced from \$133,197.00 to \$132,398.00 to remove the costs associated with the ineligible 47% of SonicWall Firewall/Router Model# 01-SSC-8669, \$799.00.

FCDL Date: 04/16/2013  
Wave Number: 039  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2014  
Consultant Name: Paul Le  
Consultant Number (CRN): 16063863  
Consultant Employer: Paul Le

# **Exhibit B**

FCC Form 500  
**DO NOT STAPLE**

Do Not Write In This Area

OMB Control No. 3060-0853  
Estimated time per response:  
1.5 hours**Universal Service for Schools and Libraries  
Funding Commitment Adjustment Request Form****Please read instructions before completing.**

(To be completed by schools, libraries or consortia.)

Applicant's Form Identifier: 2012-Ext-V (Create your own code to identify THIS FCC Form 500)	FCC Form 500 Application Number: (To be assigned by administrator.) _____
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**Block 1: Applicant Information**

1. Name of Billed Entity Fahari Academy Charter School	2. Billed Entity Number 16052017	3. Funding Year 2012
4. Complete Mailing Address of Billed Entity Street Address, P. O. Box or Route Number		
72 Veronica Place, 4th Fl.	Brooklyn	NY 11226
Telephone Number 718.218.3185	Fax Number 718.282.5397	Email Address administration@fahariacademy.org
5. Contact Person Information		
Contact Person Name Paul Le		
Mailing Address Street Address, P. O. Box or Route Number		
342 East 119th St., Suite 3A	New York	NY 10035
Telephone Number 347.772.8553	Fax Number 347.620.7291	Email Address erate@charterschoolincubator.org

**Type of Adjustment (Check all that apply)**

- Block 2: Services Adjustment**                       **Block 4: Equipment Transfer Notification**
- Block 3: Cancellation or Reduction of an FRN**

**DO NOT STAPLE**

Billed Entity Name Fahari Academy Charter School Contact Name Paul Le

Billed Entity Number 16052017 Contact Telephone Number 347.772.8553 Page 2

**Block 2: Services Adjustment**

**Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**New Service Start Date:** Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

**Contract Expiration Date:** Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

**Service Delivery Extension:** Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

**6. Service Start Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

**7. Contract Expiration Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.**

**8. Service Delivery Extension Request**

FCC Form 471 854812	FRN 2325153
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Certify the reason for the service delivery and installation request by checking one of the boxes below:

- The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

**DO NOT STAPLE** Paul Le  
**Billed Entity Name** Fahari Academy Charter School **Contact Name** \_\_\_\_\_  
**Billed Entity Number** 16052017 **Contact Telephone Number** 347.772.8553 **Page 3**

**Block 3: Cancellation or Reduction of an FRN**

**Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**Cancel:** Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

**Reduce:** Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3**

**9. Cancel FRN**

FCC Form 471	FRN (s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

**10. Reduce FRN**

FCC Form 471	FRN(s)	Original Commitment Amount from FCDL	New Commitment Amount AFTER Reduction

**DO NOT STAPLE**  
**Billed Entity Name** Fahari Academy Charter School **Contact Name** Paul Le  
**Billed Entity Number** 16052017 **Contact Telephone Number** 347.772.8553 **Page 4**

**Block 4: Equipment Transfer Notification**

**Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**11. Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least five years (or whatever retention period is required by the rules in effect at the time of this certification).

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4**

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason

Check here if transfer is temporary. Enter projected return date \_\_\_\_\_

List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

<b>DO NOT STAPLE</b>	Paul Le
Billed Entity Name <u>Fahari Academy Charter School</u>	Contact Name _____
Billed Entity Number <u>16052017</u>	Contact Telephone Number <u>347.772.8553</u>

<b>Block 5: Certification</b>	
<p>12. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.</p> <p>13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.</p> <p>14. I will retain for at least five years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of delivery of discount services (or after the date of transfer for equipment transfers), (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.</p>	
<p>15. Signature</p> 	<p>16. Date</p> <p style="text-align: center;">9/30/14</p>
<p>17. Printed name of authorized person</p> <p>Paul Le</p>	
<p>18. Title or position of authorized person</p> <p>Consultant</p>	
<p>19. Telephone number of authorized person</p> <p>347.772.8553</p>	
<p>20. Email address of authorized person</p> <p>erate@charterschoolincubator.org</p>	
<p>21. Address of authorized person</p> <p>342 East 119th Street, Suite 3A, New York, NY 10035</p>	
<p>22. Name of Authorized Person's Employer</p> <p>None</p>	

**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

**A paper copy of this form, with an authorized signature in Block 5, Item 15 should be mailed to:**

**SLD Form 500  
P. O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:**

**SLD Forms  
ATTN: Form 500  
3833 Greenway Dr.  
Lawrence, KS 66046  
888-203-8100**

# Exhibit C



September 29, 2014

**Via Express Mail**

Service Delivery Deadline Extension Request

SLD Forms

Attn: Form 500

3833 Greenway Drive

Lawrence, KS 66046

Re: Service Delivery Deadline Extension Request for BEN 16052017, with associated FRN 2325153 (from Form 471 854812)

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRNs 2325153. The required information is as follows:

Requested Information	Response
Billed Entity Number	16052017
Applicant Name	Fahari Academy Charter School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	854812
Funding Request Number (FRN)	2325153
Service Provider Name	VR Networks, Inc.
Service Provider Identification Number	143027575
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter school that when fully grown, will serve grades 5 through 12. Per its charter, the school adds one grade level each year until it reaches its full size of over 600 students. As of FY2014, the school has added only grades 5 through 8.</p> <p>The applicant also serves students in a New York City Department of Education public school</p>



	<p>building, which it shares with one other middle school. The schools operate on separate networks and they currently occupy some classrooms that may eventually hand over to Fahari in FY2015.</p> <p>Fahari Academy is also a charter school that opened in 2009, and just ended its first five-year term. It is currently operating on a one year term following a court settlement, and expects to receive a second five-year term beginning in FY2015.</p> <p>Fahari Academy seeks an extension for two reasons. First, because it faced potential closure, the school did not complete any installation or further planned upgrades to its network, so as not to waste E-rate moneys. The New York City Department of Education also did not allow Fahari to make any planned expansions or to even enroll additional students to fill its 5<sup>th</sup> grade class. Fahari challenged its closure in court in March 2014, and did not receive a settlement until the summer of 2014. This significant delay in knowing whether it would remain open has forced Fahari to delay its installation timelines past September 30, 2014. Because Fahari operates in a public school building, it must secure approval from the Department of Education before beginning any network upgrades, as seen <a href="#">here</a>. The approval process would take installations past the implementation deadline of September 30, 2014.</p> <p>Second, Fahari had estimated when submitting its FY 2012 Form 471 that it would have occupied all of the necessary space by the service delivery deadline of September 30, 2014 and then submit a second request for Priority 2 in FY 2016, when it planned to relocate to a new facility for its high school. However, negotiations for additional space will not take place until January 2015, where Fahari could potentially secure an additional 4 classrooms and 1 office for every additional grade it serves.</p> <p>Because those current classrooms and offices remain occupied by the other middle school, Fahari cannot</p>
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	<p>install new cabling, phone systems, and wireless access points to connect to its own separate network.</p> <p>To that end, Fahari requests an service delivery implementation extension in order to preserve its E-rate allotment. The school anticipates that 2325153 should address many of the school's network infrastructure needs before it seeks another Category 2 application in FY 2016 under the E-rate modernization. It kindly requests a service delivery deadline extension to allow time to fully use all of the monies provided.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Le', written in a cursive style.

Paul Le  
Consultant

# Exhibit D

**Administrator's Decision on Implementation Extension Request**

January 16, 2015

Paul Le  
342 East 119<sup>th</sup> Street  
Suite 3A  
New York, NY 10035

RE: FAHARI ACADEMY CHARTER SCHOOL

FCC Form 471 Application Number: 854812  
Funding Request Number(s): 2325153

Your Correspondence Dated: September 30, 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 implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision. If your request included more than one FRN, please note that for each FRN you may receive a separate determination letter.

Decision on Request: **Denied in full**

Explanation: Current deadline guidelines and procedures do not allow approval for the reason submitted

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

**TO APPEAL THIS DECISION**

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - appellant name
  - applicant and service provider names, if different than appellant
  - applicant BEN and service provider SPIN
  - **<insert application or form number>** as assigned by USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
  - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

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

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Sana Hameed, VR Networks, Inc.

# **Exhibit E**



March 17, 2015

**Via E-Mail**

Schools and Libraries Program Correspondence Unit  
 Letter of Appeal  
 30 Lanidex Plaza West  
 PO Box 685  
 Parsippany, NJ 07054-0685

Re: Appeal of Administrator's Decision dated January 16, 2015 denying Implementation Extension Request for BEN 16052017, with associated FRN 2325153 (from Form 471 854812)

Dear Sir or Madam:

We write to appeal the Administrator's Decision dated January 16, 2015 denying our request for a service delivery deadline extension for FRNs 2325153. The required information is as follows:

Contact Information	
Appellant/Organization Name	Fahari Academy Charter School
Billed Entity Number	16052017
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>

Appeal Information and Explanation	
Funding Year	2012
Application Number	Form 471 854812
Funding Request Numbers	2325153 – Internal Connections
Service Providers (SPIN)	VR Networks, Inc., SPIN #143027575
Reason for Appeal	The school's circumstances fall within at least one reason that USAC grants extensions, that the "applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control."
Relief Sought	Provide an implementation extension so that the school can complete its buildout.
Appeal Explanation	<b>Background:</b> Fahari Academy Charter School (Fahari) submitted an implementation extension request on September 30, 2014 principally because the New York City Department of Education, its authorizer, would not allow additional expenditures to network installations or even recruit students. To that end, the vendor could not install planned expansions and an overhaul of the school's network, which remains partially implemented. Fahari filed suit and settled with the Department, allowing it to remain open until it seeks renewal in the fall.



***Denial Reason:***

The Administrator's Decision denied in full our request for an implementation extension with the explanation stating: "Current deadline guidelines and procedures do not allow approval for the reason submitted."

***Argument for Appeal***

Fahari submitted a timely letter requesting an implementation extension which stated that the three issues prevented Fahari from completing the buildout for which it was fully funded in FY2012 under FRN 2325153, which were:

1. Fahari had to file litigation against the New York City Department of Education, which attempted to close the school in FY2013. During that school year, the Department did not allow the school to recruit students and did not allow any installations of any kind to take place. Much of this legal wrangling can be located in the media:  
<http://ny.chalkbeat.org/2013/11/18/the-city-will-try-to-close-a-low-performing-school-fahari-after-all/>  
<http://ny.chalkbeat.org/2014/03/17/charter-school-sues-over-closure-decision-it-hopes-de-blasio-will-overturn>
2. Schools like Fahari that share space within public school buildings cannot begin any network installations until they receive approval from the New York City Department of Education's Office of Space Planning and Division of School Facilities, which are summarized here: <http://www.nyccharterschools.org/resources/procedures-nyc-doe-co-located-facilities>

The actual documentation is available for which Fahari would have submitted these requests are available here:

<http://schools.nyc.gov/community/planning/charters/Operations+Tool+Kit.htm#Facilities>

These processes were not made available to Fahari in FY 2013 for which it could complete its Priority 2 implementations by the September 30, 2014 deadline. Additionally, for a summer 2014 installation which would have been the school's plan, the Department of Education requires that requests for network installations be submitted by March, 2014. As described above, however, the school had just filed its lawsuit and was not allowed to submit those requests.

3. As a school that continues to add grades until fully grown from grades 5-12, the above legal issues prevented Fahari from securing the additional classrooms and offices that would require some of the cabling and wireless access point installation available under the Priority 2 funding.

Additionally, as a 4<sup>th</sup> point, Fahari has also never submitted an implementation extension request of any of its FRNs in the past, which it hopes provides USAC with additional consideration of its request.

4. USAC has recently approved implementation extensions requests where other schools without available classrooms or offices for installation received an extension for the



service provider to complete delivery and installation. See Exhibits C and D.

Taken together, Fahari has every intention to engage its service provider to complete the Priority 2 funded work in FY2013 before the implementation deadline of September 30, 2014. However, the Department of Education created legal and procedural roadblocks that required the school to file suit to remain open. This court challenge did not resolve itself until summer, 2014, which necessitates giving Fahari until September 30, 2015 to complete its buildout into its current space and extra classrooms that it hopes to occupy in the Fall of 2015.

The legal matters that faced Fahari Academy during this time fall squarely within the extension reason that the “the service provider was unable to complete delivery and installation for reasons beyond the service provider’s control.” The service provider was thus unable to completely installation for those reasons above, and as such, the school should be granted an implementation extension.

Table of Exhibits		
#	Exhibit	Importance
A	September 30, 2014 Implementation Extension Request to USAC	The school requests implementation extension, which was filed by the September 30, 2014 deadline
B	January 16, 2015 USAC Letter	USAC administrator denies the school’s request for implementation extension, citing “current guidelines and procedures”
C	September 23, 2014 Letter by another school requesting implementation extension	One example of USAC’s approval of an implementation extension request when classrooms or offices were not available for installation.
D	January 20, 2014 USAC letter to another school	

Thank you for your consideration of this appeal. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553 with any additional questions or requests for information.

Sincerely,

Paul Le  
Consultant

cc: Sana H. Hameed, VR Networks, Inc. (email)

# **Exhibit F**



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

April 21, 2015

Paul Le  
Fahari Academy Charter School  
342 East 119th St., Suite 3a  
New York, NY 10035

Re: Applicant Name: FAHARI ACADEMY CHARTER SCHOOL  
Billed Entity Number: 16052017  
Form 471 Application Number: 854812  
Funding Request Number(s): 2325153  
Your Correspondence Dated: March 17, 2015

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 Administrator's Decision on Implementation Extension Request 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. 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): 2325153  
Decision on Appeal: **Denied**  
Explanation:

- FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Service Delivery Extensions for more information.) Your request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

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

# Exhibit G



# INVICTUS PREPARATORY CHARTER SCHOOL

EXCELLENCE • INTEGRITY • COURAGE • DETERMINATION

March 17, 2015

## **Via E-Mail**

Schools and Libraries Program Correspondence Unit  
Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Re: Appeal of Administrator's Decision dated January 16, 2015 denying Implementation Extension Request for BEN 16063965, with associated FRNs 2235153, 2235199, 2235214 and 2235238 (from Form 471 820933)

Dear Sir or Madam:

We write to appeal the Administrator's Decision dated January 16, 2015 denying our request for an implementation extension for FRNs 2235153, 2235199, 2235214 and 2235238. The required information is as follows:

<b>Contact Information</b>	
Billed Entity Number	16063965
Applicant Name	Invictus Preparatory Charter School
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>

<b>Appeal Information and Explanation</b>	
Funding Year	2011
Application Number	Form 471 820933
Funding Request Numbers	2235153; 2235199; 2235214; 2235238 – Internal Connections
Service Providers (SPIN)	Knight Nets, Inc/, SPIN #143007392
Reason for Appeal	The school's circumstances fall within at least one reason that USAC grants extensions, that the "applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control."
Relief Sought	Provide an implementation extension so that the school can complete its buildout.
Appeal Explanation	<b>Background:</b> Invictus Preparatory Charter School opened in the Fall of 2011 and currently serves grades 5-8. Invictus shares space within a public school of the New York City Department of Education (NYCDOE), which requires two main



conditions that have a direct effort on service delivery deadlines under the E-rate program: 1) its allocations of classrooms and offices are determined each year through a space allocation process; and 2) improvements to those classrooms, which includes the installation of wireless access points, cabling and other equipment eligible under Priority 2, must be approved by NYCDOE and its School Facilities and Space Planning divisions before any work can begin.

Invictus is also a school that is slated to grow eventually to a 5th through 12<sup>th</sup> grade middle and high school. Per its charter, the school adds one grade level each year until it reaches its full size in FY2019. As of FY2014, the school has added only grades 5 through 8. Because of public hearings held in its favor in October, the school can inhabit more classrooms and offices at its current address before being required to locate additional outside space. This requires that current space in the building operated by the other elementary and middle schools must vacate those rooms at the end of FY2014. Moreover, Invictus's chosen service providers cannot install or configure any equipment or drops until 1) the classrooms have been vacated and 2) NYCDOE has approved the installations themselves.

Given these facts, Invictus is scheduled to occupy at least 3 and possibly 10 more classrooms during the summer of 2015. The remaining funds available under the above-referenced FRNs will meet those needs, without the need to usurp limited funding available in FY2015 to public schools. It will also allow the school to better allocate resources in FY2018 or FY2019 to submit for Category 2 funding if needed.

To that end, Invictus submitted an implementation extension request on September 29, 2014, principally because it has not yet occupied the additional classrooms and offices that it would need in order for the service provider to complete delivery and installation.

***Denial Reason:***

Despite these facts, the Administrator's Decision denied in full Invictus's request for an implementation extension with the explanation stating: "Current deadline guidelines and procedures do not allow approval for the reason submitted."

***Argument for Appeal***

1. USAC's guidelines and procedures allowed for an implementation extension for similar circumstances in the past. The challenge with the Administrator's denial is that the school received an extension in FY2013 for a similar request. In between that request and the one dated September, 2014, the service provider only delivered and installed equipment into classrooms and offices for which Invictus has access. Please see **Exhibit B**. USAC's January 20, 2014 Administrator's Decision which provided an extension to September 30, 2014. The circumstances undergirding both requests are similar. However, in this



# INVICTUS PREPARATORY CHARTER SCHOOL

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	<p>request that has been denied, Invictus stands to receive all of its classroom allotments for the years moving forward.</p> <ol style="list-style-type: none"><li>2. The conditions described above that require vacancy of occupied classrooms and approval of installation requests prevent any service provider from completing installation and delivery, and therefore, it is completely out of the school's and service provider's control. Because these classrooms still remain occupied by other high schools in the building, the school's vendor cannot complete the cabling work necessary to install wireless access points, drops, and phones in rooms the school will occupy. Moreover, NYCDOE will not approve of any installations that are made in classrooms not yet occupied by the school.</li><li>3. An extension would allow Invictus to fully complete its buildout by September 30, 2015, obviating the need for Category 2 requests for years to come. In the summer of 2015, the school will request access to complete cabling in all planned classrooms and serve all of its students.</li></ol> <p>These FRNs will address all of the school's network infrastructure needs and as such, Invictus respectfully requests a reversal of the Administrator's decision and provide the implementation extension to allow time to fully use all of the monies provided.</p>
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Table of Exhibits		
#	Exhibit	Importance
A	September 23, 2013 Implementation Extension Request	The school timely requests an implementation extension
B	January 20, 2014 USAC Letter	USAC provides an extension until September 30, 2014
C	September 29, 2014 Implementation Extension Request	The school requests implementation extension, which was filed by the September 30, 2014 deadline
D	January 16, 2015 USAC Letter	USAC administrator denies the school's request for implementation extension, citing "current guidelines and procedures"

Thank you for your consideration of this appeal. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553 for any additional documentation or information.

Sincerely,

Paul Le  
Consultant

cc: Richard Scauri and Robert Ordan, Knight Nets, Inc. (email)



**Administrator's Decision on Appeal – Funding Year 2011-2012**

April 29, 2015

Paul Le  
NYCSI  
342 East 119th St., Suite 3a  
New York, NY 10035

Re: Applicant Name: INVICTUS PREPARATORY CHARTER SCHOOL  
Billed Entity Number: 16063965  
Form 471 Application Number: 820933  
Funding Request Number(s): 2235153, 2235199, 2235214, 2235238  
Your Correspondence Dated: March 17, 2015

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 2011 Administrator's Decision on Implementation Extension Request 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. 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): 2235153, 2235199, 2235214, 2235238  
Decision on Appeal: **Approved**  
Explanation:

- Your appeal has brought forward persuasive information that this request should be approved. Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001.

The last date to deliver and install the non-recurring service(s) has been changed to 09/30/2016. An Invoice Deadline Extension has been granted to 01/28/2017.

Note that, if recurring services are included in this FRN, those services must be delivered from 07/01/2011 to 06/30/2012. The new service delivery date does not affect recurring services.

In order to submit invoices in the future for non-recurring services, the applicant on the above-referenced FCC Form 471 may have to file a FCC Form 500 to amend the contract expiration date. This extension must be in accordance with state and local procurement laws and the terms of the original contract and must be approved prior to submitting an invoice.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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 in the "Appeals Procedure" posted in the Reference Area 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

# **Exhibit H**



September 23, 2013

**Via Email**

Service Delivery Deadline Extension Request  
 Schools and Libraries Division - Correspondence Unit  
 30 Lanidex Plaza West  
 P.O. Box 685  
 Parsippany, NJ 07054-0685

Re: Service Delivery Deadline Extension Request for BEN 16061735, with associated FRN 2325388 (from Form 471 854853)

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRN 2325388. The required information is as follows:

Requested Information	Response
Billed Entity Number	16061735
Applicant Name	New York City Montessori Charter School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	854853
Funding Request Number (FRN)	2325388
Service Provider Name	Network Outsource, Inc.
Service Provider Identification Number	143024572
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter school that when fully grown, will serve grades K through 5. Per its charter, the school adds one grade level each year until it reaches its full size in FY2015. As of FY2013, the school has added only grades K through 3, and needs another two years to complete</p>

	<p>its buildout.</p> <p>The school currently occupies a building in which some wings remain empty as it continues to add more grades. In FY2013, NYC Montessori has begun and will soon complete network installations on a mezzanine wing to accommodate special education students and its 3<sup>rd</sup> grade class. In FY2014, the school requests a service delivery deadline extension to utilize the bulk of its funding commitment decision to network additional floors it will occupy for its 4<sup>th</sup> grade class. For the first few months of FY2015, the applicant plans to utilize remaining funds to finalize any networking needs, and expansion of its phone system as it adds additional classrooms to accommodate its 5<sup>th</sup> grade class.</p> <p>We request a service delivery deadline extension through September 30, 2015 to allow time to fully complete the school's buildout.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,



Paul Le  
Consultant

**Administrator's Decision on Implementation Extension Request**

November 8, 2013

Paul Le  
NEW YORK CITY MONTESSORI CHARTER SCHOOL  
342 East 119th Street  
Suite 3A  
New York, NY 10035

FCC Form 471 Application Number: 854853  
Funding Request Number(s): 2325388  
Your Correspondence Dated: September 23, 2013

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 implementation extension request. This letter explains the basis of USAC's decision.

Decision on Appeal: **Approved**

Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001. The last date to deliver and install the non-recurring service(s) is **September 30, 2014**. While invoices should be submitted as soon as possible, the last allowable date to postmark an invoice for this non-recurring service(s) is **January 28, 2015**. The invoice should be submitted in accordance with the instructions on the Schools and Libraries web site ([www.usac.org/sl/](http://www.usac.org/sl/)).

Please note that recurring services covered by this FRN must have been received during the course of regular program year, **July 1, 2012 through June 30, 2013**.

In order to process invoices, a valid FCC Form 486 must be submitted by the FCC Form 471 applicant.

In order to process eventual invoices on the non-recurring services, we will also require the applicant on the above-referenced FCC Form 471 to file a FCC Form 500 to amend the contract expiration date to **September 30, 2014**. Such extension of the contract expiration date must be in accordance with state and local procurement laws and the terms of the original contract.

We thank you for your continued support, patience, and cooperation during the request review process.

# Exhibit I



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September 23, 2013

**Via Email**

Service Delivery Deadline Extension Request  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, NJ 07054-0685

Re: Service Delivery Deadline Extension Request for BEN 16056470 with Form 471 759716, FRN 2052264

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRN 2052264. The required information is as follows:

Requested Information	Response
Billed Entity Number	16056470
Applicant Name	Renaissance Innovation Charter High School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	759716
Funding Request Number (FRN)	2052264
Service Provider Name	VR Networks, Inc.
Service Provider Identification Number	143027575
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter high school that shares space in an NYCDOE building with another high school. While 2013-14 will be the first year in which it will serve all students in grades 9 through 12, its campus will not be complete until at least September 30, 2014. The applicant is currently in a temporary wing of the building until another school</p>





The Renaissance Charter High School for  
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	<p>phases out in 2013-14. At that point, Innovation will then occupy its designated rooms and floors.</p> <p>While Innovation has relied on E-rate funding from this FRN since 2010 to incrementally install wireless access points and install its network, we request the service delivery deadline extension to allow time for its vendor to complete its scope of work in the school's final location on campus.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

Paul Le  
Consultant



**Administrator's Decision on Implementation Extension Request**

January 8, 2014

Paul Le, Consultant  
Charter School Incubator  
342 East 119th Street, Suite 3A  
New York, NY 10035

RE: THE RENAISSANCE CHARTER SCHOOL FOR INNOVATION

FCC Form 471 Application Number: 759716  
Funding Request Number(s): 2052264  
Your Correspondence Dated: September 23, 2013

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 implementation extension request. This letter explains the basis of USAC's decision.

Decision on Appeal: **Approved**

Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001. The last date to deliver and install the non-recurring service(s) is **September 30, 2014**. While invoices should be submitted as soon as possible, the last allowable date to postmark an invoice for this non-recurring service(s) is **January 28, 2015**. The invoice should be submitted in accordance with the instructions on the Schools and Libraries web site ([www.usac.org/sl/](http://www.usac.org/sl/)).

Please note that recurring services covered by this FRN must have been received during the course of regular program year, **July 1, 2010 through June 30, 2011**.

In order to process invoices, a valid FCC Form 486 must be submitted by the FCC Form 471 applicant.

In order to process eventual invoices on the non-recurring services, we will also require the applicant on the above-referenced FCC Form 471 to file a FCC Form 500 to amend the contract expiration date to **September 30, 2014**. Such extension of the contract expiration date must be in accordance with state and local procurement laws and the terms of the original contract.

We thank you for your continued support, patience, and cooperation during the request review process.

Schools and Libraries Division

# **Exhibit J**



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**  
 DUARNA OLLER, BOARD CHAIR  
 ANTHONY LOPEZ, CEO

September 23, 2013

**Via Email**

Service Delivery Deadline Extension Request  
 Schools and Libraries Division - Correspondence Unit  
 30 Lanidex Plaza West  
 P.O. Box 685  
 Parsippany, NJ 07054-0685

Re: Service Delivery Deadline Extension Request for BEN 16057648, with associated FRNs 2209847 (from Form 471 813343)

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRN 2209847. The required information is as follows:

Requested Information	Response
Billed Entity Number	16057648
Applicant Name	Dr. Richard C. Izquierdo Health and Science Charter School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	813343
Funding Request Number (FRN)	2209847
Service Provider Name	Network Outsource, Inc.
Service Provider Identification Number	143024572
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter school that when fully grown, will serve grades 6 through 12. Per its charter, the school adds one grade level each year until it reaches its full size in FY2016. As of FY2013, the school has added only grades 6 through</p>



DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL  
DUARNA OLLER, BOARD CHAIR  
ANTHONY LOPEZ, CEO

	<p>9, and needs another 3 years to complete its enrollment</p> <p>The applicant had estimated when submitting its request that it would have occupied all of the necessary space by the service delivery deadline of September 30, 2013. However, with the potential to expand into additional classrooms and offices, it seeks an extension because it has learned that in addition to the 20 classrooms and offices it received in FY2013, the school will receive an additional 5 classrooms and offices each year for the next 3 years for a total of 15 more classrooms and offices by FY2016.</p> <p>The school anticipates that FRN 2209847 should address many of the school's network infrastructure needs and kindly requests a service delivery deadline extension to allow time to fully use all of the monies provided.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

Paul Le  
Consultant

**Administrator's Decision on Implementation Extension Request**

January 20, 2014

2011-12

Paul Le  
Charter School Incubator  
342 East 119th Street  
Suite 3A  
New York, NY 10035

12a  
P2

FCC Form 471 Application Number: 813343  
Funding Request Number(s): 2209847  
Your Correspondence Dated: September 23, 2013

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 implementation extension request. This letter explains the basis of USAC's decision.

Decision on Appeal: **Approved**

Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001. The last date to deliver and install the non-recurring service(s) is **September 30, 2014**. While invoices should be submitted as soon as possible, the last allowable date to postmark an invoice for this non-recurring service(s) is **January 28, 2015**. The invoice should be submitted in accordance with the instructions on the Schools and Libraries web site ([www.usac.org/sl/](http://www.usac.org/sl/)).

Please note that recurring services covered by this FRN must have been received during the course of regular program year, **July 1, 2011 through June 30, 2012**.

In order to process invoices, a valid FCC Form 486 must be submitted by the FCC Form 471 applicant.

In order to process eventual invoices on the non-recurring services, we will also require the applicant on the above-referenced FCC Form 471 to file a FCC Form 500 to amend the contract expiration date to **September 30, 2014**. Such extension of the contract expiration date must be in accordance with state and local procurement laws and the terms of the original contract.

We thank you for your continued support, patience, and cooperation during the request review process.