

APPEAL TO FCC for 471 Application # 1055252

Subject: APPEAL: 471 Application #1055252 – FRN: 2885008

RE: 471 Application #1055252
FRN: 2885008
Applicant: FOCUS Learning Academy
BEN: 227146
Contact: Luther Jones
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Service Provider: Edu-Net
SPIN: 143033794
Finding at Risk: \$19880.44

To whom it may concern:

I received notification via the Funding Commitment Decision Letter dated 12/11/2015 (copy attached) that my Funding Request Number 2871565 from the original 471 Application # 1048151 had recently been denied. This original FRN and 471 Application were filed timely and the contract for the original FRN was executed after the allowable contract date.

I received a letter from USAC dated 9/03/2015 (copy also attached) with questions regarding this FRN. Upon further review and a call with a USAC representative, I realized that the funding request should have been filed under Category Two services, under the subcategory Eligible Managed Internal Broadband Services. I replied via email on 9/18/2015, (copy of reply attached) and I was under the impression that USAC would reclassify the original Funding Request from Category One to Category Two (rather than denying the original funding request).

I have recently filed a new 471 Application #1055252 for these services as Category Two services with an FRN of 2885008; however the date of the filing is "Out of Window". I am simultaneously appealing the denial of the original FRN from the original 471 Number 1048151 with USAC. I was instructed by a USAC representative today to file two separate appeals (one to USAC for the original 471 Application #1048151 and one to the FCC for the new 471 Application #1055252 with the services properly classified under Category Two). If I should cancel one of the two appeals in process, please advise me as I do not want to apply for funding for the same services twice.

In this appeal I am requesting the new 471 Number 1055252 with the FRN 2885008 simply be moved from "Certified – Out of Window" to "Certified – In Window" so it will be eligible for review by USAC. Again, to reiterate, the original 471 and FRN was filed within the timeframe specified by USAC, and the contract was entered into after the allowable contract execution date. Thank you for your help and understanding.

Sincerely,

Luther Jones