

BE'IKVEI HATZOIN

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March 24, 2016

ATTACHMENT

CC Docket No. 02-6

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LETTER OF APPEAL TO FCC

Contact Person Name:	Joseph Weiss
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E-mail address:	arona@thejnet.com
School Name:	Beikvei Hatzoin
BEN:	153661
471 Application Number:	816345
Funding Year:	7/1/11-6/30/12
Funding Request Number:	2219140, 2219163, 2219172
Service Provider Name:	Birns Telecommunications Inc.
SPIN:	143008024

On May 28th 2015 we sent to USAC a Form 500 for an Invoice Deadline Extension Request for the above FRN's. We also sent with the form a letter for each FRN stating that the reason for Invoice Deadline Request was because *"the vendor had some problems and couldn't give us the services until now, therefore we are hereby filing now for an approval for an "Extension Request"*. (**Attachment 2**).

USAC sent us a letter dated July 14th 2015 and denied our request in full with the reason *"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"*. (**Attachment 3**).

On September 11th 2015, we appealed USAC's decision and enclosed a letter which we received from our service provider stating that the implementation of the non-recurring services was delayed for circumstances which was beyond his control. (**Attachment 4**).

As we didn't hear anything from USAC we contacted USAC on January 25th 2016 via "Submit a Question" to know the status of the appeal. (**Attachment 5**).

On January 26th 2016 USAC responded that an Administrators Decision Letter was issued already on November 25th 2015 *"Your appeal has not brought forth clear information that the application for relief was made prior to this deadline, therefore your appeal is denied."* (**Attachment 6**).

On January 26th 2016, we contacted USAC and told them that we never received the Administrators Decision Letter, so he said that we can still go ahead and appeal it to FCC for the letter was received only in the last minute. (**Attachment 7**).

Therefore we are hereby requesting a waiver to the deadline requirement as you can see in **Attachment 8** that the Service Provider was under investigation for a few years and he couldn't install anything, so there was no point of filing a Deadline Request until the investigation was over.

Sincerely,



Nachman Brach
Administrator