

Appeal Letter Chabad Hebrew Academy BEN 197225
CC Docket No. 02-6 CC Docket 96-45

Request For Review

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Name: **Chabad Hebrew Academy**
BEN: **197225**
Funding Year: **2010**
Applications: **751969**
USAC ADA **04/29/2016**

May 31, 2016

Dear Sirs.

This is a letter of **APPEAL** regarding the above captioned FCDL regarding the following FRN:

FRN#: **2032235** - Eran Viner Company Inc. – Funding Reduced - The FCCs Eligible Services List states that installation and configuration of products and services is only eligible if it is a part of the contract or bid for those eligible products and services. These charges are limited to the initial installation of the underlying service. **The underlying service has not changed;** therefore the funding commitment will be reduced.

FRN#: **2032256** - Eran Viner Company Inc. – Funding Reduced - The FCCs Eligible Services List states that installation and configuration of products and services is only eligible if it is a part of the contract or bid for those eligible products and services. These charges are limited to the initial installation of the underlying service. **The underlying service has not changed;** therefore the funding commitment will be reduced.

For FRN **2032235**, We submit that the basic premise for the denial is erroneous. We submit that the vendor is a **reseller** of services therefore only multi-year contracts with the school will have

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the same underlying vendor. This FRN was based upon a **single year** contract with a different underlying vendor from the initial installation of the service. Since a **different** underlying vendor was used for **year two** this necessitated a **second** installation and configuration of the school's system based upon the new carrier's specifications and IP scheme (i.e. **the circuits have changed**). In fact for program year 2009 the resold underlying vendor was *Time Warner* while in program year 2010 the resold underlying vendor was *California Telecom*. This is no different than a school that used Time Warner for Telephone service in year one and changed the same functional telephone service for year two to Bell telephone. The service (i.e. telephone service has not changed) but the **circuits have changed. In this case the circuits have changed and as such there is a need for configuration and installation tasks.**

In addition FRN **2032256** is for e-mail service which requires an update **each year** for the addition, deletion and upgrading of student, teacher and staff accounts which takes considerable time. It should be considered a configuration update at least or be restricted as an eligible maintenance function.

We therefore submit that these FRN's should be funded as submitted which includes the installation and configuration charges. Failure to maintain these charges will result in an undue hardship for the school.

Sincerely,



Richard I Bernstein
Consultant 16062128