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RECEIVED

MAY 28 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

B. JAY BARAFF (Ret)
OF COUNSEL
ROBERT BENNETT LUBIC*

May 28, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Request for Review under
FCC Docket Nos. 97-21 and 96-45

Dear Ms. Salas:

On behalf of New Albany-Floyd County Consolidated School Corporation, there are transmitted herewith an original and four (4) copies of a Supplement to its Request for Review filed with the Commission on April 26, 1999.

Although the Fund Administrator-Schools and Libraries Corporation ("Administrator") was served with a copy of the Request for Review, and the Administrator's response, pursuant to Section 1.45 of the Rules, was due not later than May 11, 1999, it appears that no response has been filed, nor has any request for extension of time within which to respond. Accordingly, this matter is now ripe for adjudication by the Common Carrier Bureau.

The enclosed Supplement provides information that the Administrator treated a virtually identical application in a manner different from the application for which review is sought. Since the Administrator is an agent of the Federal Government, and the Common Carrier Bureau, in conducting its de novo review, is clearly subject to constraints applicable to the FCC, the requirement of similar treatment in similar situations applies. Melody Music, Inc. v. FCC, 345 F.2d 730 (DC Cir. 1965).

Magalie Roman Salas
Secretary
Federal Communications Commission
May 28, 1999
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Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,



James A. Koerner,
Counsel for
New Albany-Floyd County Consol-
idated School Corporation

cc: Administrator-Schools and Libraries Corporation
Mr. Roger Whaley

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review by)	
)	
NEW ALBANY-FLOYD COUNTY)	Billed Entity No. 130549
CONSOLIDATED SCHOOL CORPORATION)	Application No. 27572
)	Funding Request No. 27770/27783
of Decision of Universal Service Administrator)	
Under FCC Docket Nos. 97-21 and 96-45)	

To: Common Carrier Bureau

Supplement to Petition

1. On April 26, 1999, this school corporation filed a Request for Review of the decision of the Universal Service Administrator to deny funding to the application referenced above. Additional information has been provided to us that is favorable to our petition, and we respectfully request that the Commission add this supplemental information to our Request for Review.
2. Through the good offices of the Indiana Intelenet Commission, the School City of Gary, Indiana filed Application Number 46328, FRN #78957 and #78972 for Internet access. The addendum filed with their application describes bundled services that includes T1 and 56K tail circuits, DSU/CSUs, routers, and monitoring services that are nearly a mirror to our own application. Their application was approved as submitted, while our application, which is the subject of the Request for Review, was denied.
3. The only essential difference between these two applications is that the School City of Gary has a higher qualification rate for Free and Reduced meals and, consequently, a higher discount percentage. We find no reference in the SLC program instructions that ties funding for

Internet Access to the Shared Discount Percentage. Thus, consideration of the discount percentage in this instance is of no consequence and has no standing in this issue.

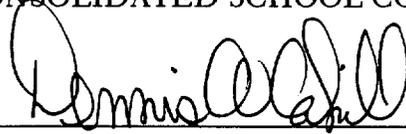
4. The similarity between the two applications further strengthens our argument that the Fund Administrator acted in an arbitrary and capricious manner while funding one application for Internet access and, at the same time, denying ours for the same services from the same approved telecommunications provider.

Respectfully submitted,

NEW ALBANY-FLOYD COUNTY
CONSOLIDATED SCHOOL CORPORATION

Date: May 24, 1999

By



Dennis A. Cahill, Superintendent

New Albany-Floyd County Consolidated School Corporation
Mr. Roger Whaley
2813 Grant Line Road
New Albany, IN 47151-1087
v: 812/949-4229 fax: 812/949-4231

Certificate of Service

I, Carol Riggins, a secretary for the New Albany-Floyd County Consolidated School Corporation, do hereby certify that a copy of the foregoing, Supplement to Petition was served this 24th day of May, 1999, via first class mail, postage prepaid upon the following:

Fund Administrator - Schools and Libraries Corporation
Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981



Carol Riggins