

GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS
GALLUP, NEW MEXICO 87305-1318

ROBERT GOMEZ
SUPERINTENDENT

ANGELO DiPAOLO
Assistant to the Superintendent

700 SOUTH BOARDMAN
P.O. BOX 1318
Telephone (505) 722-7711 Ext. 102
FAX (505) 722-4566

December 9, 1997

Mr. Robert K. McQuarrie
IBM Global Services
4700 S. Syracuse Parkway
Denver, CO 80237

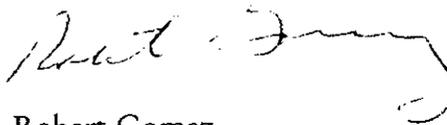
Dear Mr. McQuarrie,

On behalf of the Gallup-McKinley staff, Board Member J. R. Thompson and myself, please accept our thank you for your hospitality and the outstanding Networking presentations. We all learned a great deal about networking and enjoyed meeting other educators from throughout the United States.

We were all very impressed with the quality of IBM staff, their expertise, and their willingness to share views regarding our technology plan. Our staff expressly appreciated the meeting established to help us meet our district technology goals. IBM staff have followed up with a meeting in Gallup and an agreement has been approved by our Board on Monday, December 1st.

Our district would appreciate any further information regarding E-Rate proposals and effective criteria. Again, our sincere appreciation for your services and personal approach.

Sincerely,



Robert Gomez
Superintendent

RG/it

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

SCHOOLS & LIBRARIES DIVISION

2120 L Street, N.W., Suite 800
Washington, D.C. 20037
Voice: (202) 778-0200 Fax: (202) 778-0080

June 28, 1999

Robert Gomez, Superintendent
Gallup McKinley County Schools
700 S. Boardman
PO Box 1318
Gallup NM 87305-1318

Fund Administrator's Decision

Re: Application Number: 77079
Funding Request Number: 0075467

Dear Mr. Gomez:

The purpose of this letter is to inform you of the decision made on your appeal, dated February 26, 1999, in regard to the cited application. The denial of your Funding Request Number (0075467) in the amount of \$15,350,959 has been upheld for the following reason:

The FRN in question is for internal connections and contains components (such as NetVista, the firewall server and WAN cabling) which are ineligible for funding under the E-rate program and other items for which we were unable to identify a qualified contract under the E-rate program. Although your contracts appear to meet state procurement guidelines, some of them failed to meet program rules for your posted application.

There were differences, which appear to be substantial, between the documentation which was submitted during the initial application period and the documentation that was submitted both with your appeal and in response to recent inquiries. In order to provide consistent review and action on applications, the Fund Administrator must rely on the documentation on hand during the review and clarification process.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal with the FCC no later

Gallup McKinley County Schools

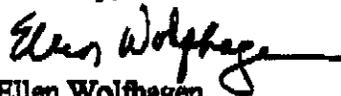
June 28, 1999

Page 2

than 30 days from the date of the issuance of this letter, in order for your appeal to be filed in a timely fashion.

If you have any questions, please feel free to call me directly at (202) 263-1606.

Sincerely,



Ellen Wolfhagen
Counsel

(b) An affected party requesting review of a division decision by a Committee of the Board pursuant to § 54.719(a) of this Part shall file such request within thirty (30) days of issuance of the decision by the division.

(c) An affected party requesting review by the Board of Directors pursuant to § 54.719(b) regarding a billing, collection, or disbursement matter that falls outside the jurisdiction of the Committees of the Board shall file such request within thirty (30) days of issuance of the Administrator's decision.

(d) The filing of a request for review with a Committee of the Board under § 54.719(a) or with the full Board under § 54.703, shall toll the time period for seeking review from the Federal Communications Commission. Where the time for filing an appeal has been tolled, the party that filed the request for review from a Committee of the Board or the full Board shall have thirty (30) days from the date the Committee or the Board issues a decision to file an appeal with the Commission.

(e) Parties shall adhere to the time periods for filing oppositions and replies set forth in 47 CFR 1.45.

§ 54.721 General filing requirements.

33. Add a new section 54.721 to read as follows:

§ 54.721 General filing requirements

(a) Except as otherwise provided herein, a request for review of an Administrator decision by the Federal Communications Commission shall be filed with the Federal Communications Commission's Office of the Secretary in accordance with the general requirements set forth in Part 1 of the Federal Communications Commission's rules, 47 CFR 1. The request for review shall be captioned "In the matter of: Request for Review by [name of party seeking review] of Decision of Universal Service Administrator" and shall reference FCC Docket Nos. 97-21 and 96-45.

(b) A request for review pursuant to § 54.719(a)-(c) shall contain: (i) a statement setting forth the party's interest in the matter presented for review; (ii) a full statement of relevant, material facts with supporting affidavits and documentation; (iii) the question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision; (iv) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.

(c) A copy of a request for review that is submitted to the Federal Communications Commission shall be served on the Administrator consistent with the requirement for service of documents set forth in 47 CFR § 1.47.

(d) If a request for review filed pursuant to 47 C.F.R. § 54.720(a)-(c) alleges prohibitive conduct on the part of a third party, such request for review shall be served on the third party consistent with the requirement for service of documents set forth in 47 CFR 1.47. The third party may file a response to the request for review. Any response filed by the third party shall adhere to the time period for filing replies set forth in 47 CFR 1.45 and the requirement for service of documents set forth in 47 CFR 1.47.

§ 54.722 Review by the Common Carrier Bureau or the Commission.

34. Add a new section 54.722 to read as follows:

§ 54.722 Review by the Common Carrier Bureau or the Commission.

(a) Requests for review of Administrator decisions that are submitted to the Federal Communications Commission shall be considered and acted upon by the Common Carrier; provided, however, that requests for review that raise novel questions of fact, law or policy shall be considered by the full Commission.

(b) An affected party may seek review of a decision issued under delegated authority by the Common Carrier Bureau pursuant to the rules set forth in Part 1 of the Commission's rules, 47 CFR 1.

§ 54.723 Standard of review.

35. Add a new section 54.723 to read as follows:

§ 54.723 Standard of review.

(a) The Common Carrier Bureau shall conduct *de novo* review of requests for review of decisions issued by the Administrator.

(b) The Federal Communications Commission shall conduct *de novo* review of requests for review of decisions by the Administrator that involve novel questions of fact, law, or policy; provided, however, that the Commission shall not conduct *de novo* review of decisions issued by the Common Carrier Bureau under delegated authority.

§ 54.724 Time Periods for Commission approval of Administrator decisions.

36. Add a new section 54.724 to read as follows:

§ 54.724 Time Periods for Commission approval of Administrator decisions.

(a) If the Common Carrier Bureau does not take action within ninety (90) days upon appeals that are properly before it, a decision issued by the Administrator shall be deemed approved; provided, however, that within the 90-day period, the Common Carrier Bureau may extend the time period for taking action on a request for review of an Administrator decision.

(b) The Commission shall issue a written decision in response to a request for review of an Administrator decision that involves novel questions of fact, law or policy within ninety (90) days; provided, however, that the Commission may extend the time period for taking action on the request for review.

§ 54.725 Universal service disbursements during pendency of a request for review of an Administrator decision.

37. Add a new section 74.725 to read as follows.

§ 54.725 Universal service disbursements during pendency of a request for review of an Administrator decision.

(a) When a party has sought review of an Administrator decision under § 54.719(a)-(c) in connection with the schools and libraries support mechanism or the rural health care support mechanism, the Administrator shall not reimburse a service provider for the provision of discounted services until a final decision has been issued either by the Administrator or by the Federal Communications Commission.

(b) When a party has sought review of an Administrator decision under § 54.719(a)-(c) in connection with the high cost and low income support mechanisms, the Administrator shall not disburse support to a service provider until a final decision has been issued either by the Administrator or by the Federal Communications Commission.

[<< Previous](#)

[SLD Home](#)

Please send comments and suggestions to comments@universalservice.org

Copyright 1997
Schools and Libraries Division
Last updated: 04/15/1999

Tribes Feel Disconnected

FCC Officials Pledge Better Phone Service

BY TOM MCGHEE
Journal Staff Writer

Federal regulators promised to seek ways to improve telephone service on Native American lands, Federal Communications Commission Chairman William Kennard and FCC member Gloria Tristani said Friday.

The percentage of non-Indian households with phones is 94 percent, said Kennard, but only 45 to 50 percent of Indian homes have phones. In many Indian communities, the percentage is far lower than that, tribal officials said.

"This population is one that's in danger of being left in the dark ages," said Kennard.

The rural locations of most tribal lands, difficulties faced by phone companies in attaining right-of-way on Indian property and other conditions contribute to the problem.

Telephone companies like US West have said they are reluctant to invest in lines and switches needed to serve areas where populations are widely scattered.

The FCC commissioners came to Albuquerque on Friday to hold a public hearing on the problem. They heard from tribal and phone company representatives as well as from state regulators and consumer advocates.

Raymond Gachupin, governor of Jemez Pueblo, said he once was unable to call for emergency help for a young man who had been shot because no phone was available. "Unfortunately, the young man didn't make it," he said.

Also, most reservation residents have little money to pay for phone service, several tribal officials said. And when they do have phones, they must pay long-distance charges to call hospitals or government agencies.

There is a universal service fund generated by collections from telephone customers designed to defray costs in poor and rural areas and assure that everyone has affordable service. "I



GREG SORBER/JOURNAL

OFFICIAL CONCERN: Federal Communications Commissioner Gloria Tristani and FCC Chairman William Kennard discuss the difficulties of getting phone service to Indian reservations at a hearing Friday at the Indian Pueblo Cultural Center in Albuquerque.

don't understand why this subsidy isn't working in Indian communities," said Kennard.

Edward Lopez, vice president Regulatory Affairs, U S West New Mexico, said deregulating the communications industry in the state would bring competition and lower prices. "Tear down the barriers to investment," he said.

Assistant Attorney General Richard Weiner, however, blamed US West for not anticipating growth in many rural areas. As a consequence, it often takes far longer to get a phone than it should and in some cases people have to pay the cost of installing infrastructure needed for their own service.

It can take more than three years to get a phone, he said.

A survey of one group of US West delayed service orders showed that one-half were for service on Indian land, Weiner said.

He also said he knows of "dozens of cases" on reservations where US West has refused to reinforce existing lines to

increase service.

Karen Butler, president and CEO of National Indian Telecommunications Institution, said the major barrier to service is money. She said the FCC should bar companies from telling some people they must pay thousands or go without service.

She suggested that the Public Regulation Commission, which oversees phone service in the state, should force US West to invest \$6 million in excess earnings in lines and other infrastructure specifically for tribes.

Kennard and Tristani said they will look into changes in federal and state regulations as well as cell and satellite phone service to make it easier to serve Indian lands.

U.S. Reps. Heather Wilson, R-1st District, and Tom Udall, D-3rd District, and Lynda Lovejoy, Herb Hughes, Jerome Block, and Bill Pope of the PRC also attended the hearing at the Indian Pueblo Cultural Center.