GRAND ISLE SUPERVISORY UNION

Office of the Superintendent

5038 US Route 2
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DOCKET FILE COPY ORIGINAL

November 24, 1999

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FCC MAIL ROOM

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

In the Matter of:

Petition for Reconsideration by the Grand Isle Supervisory Union of Decision made by the Common Carrier Bureau.

Reference:

1) FCC Docket Nos. 97-21 and 96-45

2) USAC Administrators Decision on Appeal dated May 25, 1999

3) Grand Isle Supervisory Union request for Review of Administrator Decision dated June 25, 1999

4) Common Carrier Bureau dismissal of Request for Review dated October 28, 1999

To Whom It May Concern:

Please accept this letter as a Petition for Reconsideration of the Common Carrier Bureau (CCB) decision referenced above.

The Grand Isle Supervisory Union (GISU) respectfully requests a reconsideration of the CCB decision which dismissed our Request for Review of the Administrators Decision

based on filing date with no consideration for the technical merit of the application.

The basis for this request is summarized as follows:

1) The Administrator's Decision on Appeal was dated Tuesday, May 25, 1999.

   It was received at the GISU Office on Thursday, June 3, 1999.

   There was most certainly a delay in the mailing for this decision to take 9 days for delivery.

2) The GISU submitted a request for Review of the Administrators Decision on Friday, June 25th. The formal request was received by the FCC on Tuesday, June 29th per FCC records.

   We believe this response to be responsible and timely considering the date of receipt of the decision. This is especially true when we consider the complexity of the process for a local school district and the specific changing of staff which occurred in our office in June.

   We have carefully reviewed all the documentation which we have received regarding the process requirements. We were never given the requirements of 47 C.F.R 1.7 regarding the filing deadline. The first reference to this is in the dismissal by the CCB.

   This would also be the first time in the lengthy process of applying for these discounts that committed schedules has been a issue. The schedules for reviews and funding commitments during the past two years has been slipped many, many times with promises for decisions to come soon.

The GISU is a responsible for the educational affairs of five small school districts in

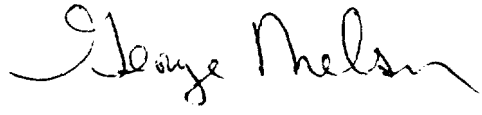
Grand Isle County in rural Vermont. These districts have been struggling for many years to acquire financial and staffing resources to provide an education to their elementary students to prepare them for higher education.

The 1996 Telecommunications Act Universal Service Fund (USF) provided an opportunity for districts such as ours to apply for substantial discounts on qualified services. It has been a struggle from the start to ensure total compliance with all the specific regulations, forms, deadlines etc to allow our district to become eligible for these discounts. There has been very limited ability to have one on one communications during the process to ensure that all documentation is complete and understood.

The GISU application in question has to do with a very unique, cost effective project to provide T1 Internet Access to our five rural schools and the Central Office. Our Internet Service Provider has a single service to our "head end" which in turn is sent via our ATM network to each of the other schools which are separated by a distance of approximately 30 miles. Every classroom is wired and over 100 computers are connected to this system. This educational opportunity would not be available to our students without the aid of programs such as the USF.

On behalf of the 900 elementary students in Grand Isle County, Vermont, I request that you allow our application to be reviewed on technical merit and not on a procedural issue.

Sincerely,



George Nelson
Project/Contract Coordinator

Attachments:

1) Grand Isle Supervisory Union request for Review of Administrator Decision dated June 25, 1999

2) Common Carrier Bureau dismissal of Request for Review dated October 28, 1999

CC:

Mr. Richard Taylor, Superintendent of Schools
Mr. Chris Herrick, Chair of the GISU Board

REC'D 11/9/99

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
Grand Isle Supervisory Union North Hero, Vermont	)	File No. SLD-69254
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

ORDER

Adopted: October 28, 1999 **Released: October 28, 1999**

By the Common Carrier Bureau:

1. This Order dismisses the Request for Review of the Grand Isle Supervisory Union dated June 25, 1999, but received by the Commission on June 29, 1999, which seeks review of the Administrator's Decision on Appeal, dated May 25, 1999. Under section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought. Documents are considered to be filed with the Commission only upon receipt. 47 C.F.R. § 1.7. Because the instant Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed June 29, 1999 by the Grand Isle Supervisory Union IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
Deputy Chief, Common Carrier Bureau

GRAND ISLE SUPERVISORY UNION

Office of the Superintendent

5038 US Route 2
North Hero, Vermont 05474
Phone - 802-372-6921 • Fax - 802-372-4898

June 25, 1999

Federal Communications Commission
Office of the Secretary
445 12th Street. SW
Room TW-A325
Washington, DC 20554

In the matter of:

Request for Review by the Grand Isle Supervisory Union of Decision of the Universal Service Administrator

Reference:

1) FCC Docket Nos. 97-21 and 96-45

2) USAC Administrator's Decision on Appeal dated May 25, 1999 (Attached)

To Whom It May Concern:

Please accept this letter as a request for Review of the decision of the Universal Service Administrator regarding approval of additional discounts for the first program year for the Grand Isle Supervisory Union (GISU) located in North Hero, Vermont.

I am writing this request for the GISU in the capacity of Project/Contract Coordinator for the Superintendent of Schools.

The reason for this review is to allow the GISU to provide further clarification of the equipment for which discounts are being requested. The Administrators decision is based on the continued classification of our equipment as Priority Two (internal connections) which are only funded at the 70% level or above. This decision is clearly the result of a misunderstanding of our application and subsequent appeal. It has been our position from the initial application that this equipment is clearly Priority One (Telecommunications, dedicated and internet access services) which would be eligible under the program.

The GISU is a very rural school district in Vermont with limited services available for internet access etc. It consists of five individual elementary schools in the islands of Lake Champlain. The distance from the southern most school to the northern most school is approximately 30 miles. After very careful review of options, the GISU signed contracts with an ISP (Hyperion Telecommunications) to provide internet access for the individual schools. Under separate contracts, fiber optic lines were leased to interconnect the schools.

The equipment in the application for which discounts were requested is clearly equipment necessary and appropriate for the direct internet services. The ISP provides a terminated gateway for Internet Access at our "head end". The five schools need to be connected to this gateway at the head end to obtain Internet access. We requested discounts for only that equipment which is directly required for this internet connection over our 30 mile distance between schools. It is our opinion that this equipment is clearly not part of "internal connections". It is vital for our external connections and ultimate connection to the internet.

The easiest and most conventional approach would have been to request the ISP to provide direct access to each school independent of our existing fiber network. This approach would have been more costly and would have resulted in annual costs instead of the one time up front charge incurred with our approach.

We request that the decision to classify these services as Priority Two (internal connections) be changed to Priority One (telecommunications, dedicated and Internet access services) which would allow our project to become eligible under the program rules.

We also request that we have an opportunity to present our case in person should there still be question about our classification and eligibility.

Sincerely,

George Nelson
Project/Contract Coordinator

CC:

Mr. Armand Premo, Superintendent of Schools
Mr. James Reid
Mr. Cliff Rabourn