



Appeal

June 21,2000

RECEIVED

TO: FCC
Office of The Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC, 20554

JUN 22 2000

FCC MAIL ROOM

In the matter of: Request for Review by MetroCon Communications, Inc., of Decision of Universal Service Administrator, FCC docket Nos. 97-21, and 96-45.

This appeal concerns \$ 4171.20 worth of discounted Internet Access service and Internal Connection service for period January 1st, 1999 through June 30th 1999, provided by MetroCon Communications, Inc., an ISP, to Msgr. Scanlan High School, Bronx, NY, not funded by the SLD since February 18 1999, (date of the Funding Notification Synopsis sent to MetroCon).

Msgr. Scanlan High School applied and was approved funding with an 80% discount for year one services that started June 1st, 1999. This funding should have extended to June 1999. The then SLC did not, however, automatically extend the funding to cover the period Jan. to June 1999. Why? They have not clearly said.

We are asking that :

1. FRN # 0000065190 be unbundled (if that is the cause of the problem)
2. That MetroCon's Internet and Internal Connection services provided to Scanlan H.S. over the period in question be correctly classified and funded so that MetroCon may collect from the SLD for the services it provided to Msgr. Scanlan H.S.

Contacts:

MetroCon Communications:
Al Garcia, Business Development Manager
212-661-6800x1540. agarcia@metrocon.com

Msgr. Scanlan High School
Sr. Marie O'Donnell, Principal
718-430-0100

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Pertinent Facts:

-MetroCon Communications Inc. is an Internet Service Provider with SP # 143004632

-Msgr. Scanlan High School is the funding applicant and customer of MetroCon

-471 Application #: 0000068742

-FRN # 0000065190

MetroCon's contract with Msgr. Scanlan H.S. includes:

-T1 dedicated Internet Access Service

-Router Maintenance Service

-T1 Router (equipment for Internet access)

-Contract term: 3/27/98 through 6/30/2001

-Period for which funding was not received: January 1st, 1999 to June 30th 2000

-Msgr. Scanlan H.S' E-rate discount: 80%

-For FY 98-99 Internet Access and Internal Connection services were funded down to the 59 percent level

Since February of 1999, MetroCon and Scanlan H.S. have been waiting for a resolution to this problem. No one contacted at the SLC during this period gave Scanlan H.S or MetroCon the right reason why MetroCon's Internet Access service and Internal Connection service were not funded. In fact, they gave us all the wrong reasons, which has led us to this moment.

SLC personnel advised Msgr. Scanlan H.S. and instructed them to file a new 486 indicating a contract extension date and assuring them that that would trigger funding. This course of action was obviously incorrect because the school has a contract with MetroCon that extends until 2001, but Scanlan H.S. did as instructed anyway because the SLD had said to do it.

Time went by and, upon follow-up inquiry, Scanlan H.S. was then told to write a letter explaining the situation. They did. I have attached a copy of that letter.

Then, in the month of May of 2000 upon my inquiry SLC personnel advised that an appeal be sent.

I sent the appeal as "an affected party". It was rejected because of time limitations imposed on the SLD. I am now appealing to you at the FCC.

In all 16 months have gone by and MetroCon has not been able to collect on the discounted portion of services provided to Scanlan H.S. during the period in question. Scanlan H.S. however, did pay its 20% share in full.

As you can verify, the funding request is as follows:

T1 dedicated Internet Access Service:	\$ 799.00/mo.
Router Maintenance:	<u>\$ 70.00/mo.</u>

Monthly Total E-rate eligible services \$ 869.00

\$ 869.00 x 6 months = \$ 5214.00 (January through June 1999)

\$ 5214.00 @ 80% = \$4171.20

I have attached a copy of the Funding Commitment Synopsis sent to MetroCon.

I am asking the FCC to please, review this case and approve the funding for Msgr. Scanlan High School so that MetroCon can collect for the services provided.

Sincerely,



Al Garcia

Administrator's Decision on Appeal

May 24, 2000

Al Garcia
MetroCon Communications
370 Lexington Avenue
New York, NY 10017

Re: Application Number: 68742
 Funding Year 1998-1999
 Date of Issuance of Funding
 Commitment Decision Letter: 02/18/99
 Date Appeal Received: 05/19/2000

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Our records show that your appeal was received more than 30 days after the date your Funding Commitment Decisions Letter was issued (see dates above). The Federal Communications Commission (FCC) rules require applicants to submit appeals so USAC/SLD receives them within 30 days of the date that the relevant Funding Commitment Decision Letter was issued. (See "SLD Procedure for Post-Commitment Appeals" at <http://www.sl.universalservice.org/apply/10procpost.asp>.) The FCC rules do not permit the SLD to consider your appeal. If you wish to continue this process, you may submit a new appeal, stating the impediment to your filing your appeal within the original time, to the FCC at the following address:

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

Schools and Libraries Division
Universal Services Administrative Company

CC: Sister Marie O'Donnell

METROCON COMMUNICATIONS

2-18-99

FY 98-99

THIS FUNDING ONLY
COVERS 7 MONTHS OF
INTERNET SERVICE PLUS
ROUTER. WHAT ABOUT
PERIOD JAN. 1 - JUNE
30TH, 1999?

SLD Funding Notification Synopsis for SPIN: 143004632

Funding Request Number: 65190

471 Application Number: 68742

470 USCN: 82946000005351

Name of 471 Applicant: MSGR SCANLAN HIGH SCHOOL

Contact Name for 471 Applicant: SR. MARIE O'DONNELL

Preferred Mode of Contact for Contact Person: PHONE

Contact Telephone Number: (718) 430-0100

Funding Year: 1998

Funding Status: COMMITTED - FULL

Provider Contract Number: C

Services Ordered: Internal Connections ← ?

Shared Services Indicator: Not Shared

School or Library Name for Site Specific Services:

Msgr. Scalan High School

Earliest Possible Effective Date of Discount: 06-01-1998

Contract Expiration Date: 04-01-2000

Estimated Total Annual Pre-Discount Cost: \$8078.00

Discount Percentage Approved by SLD: 80%

Funding Commitment Decision: \$6462.40 FRN approved; modified by SLC

Technology Plan Approval Status: Approved



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JUN 22 2000

FCC MAIL ROOM

TO : Sr. Marie O'Donnell
Msg. Scanlan High School
915 Hutchinson River Parkway
Bronx, NY 10465

Contract # : NYP 1001
Award Date : 3-27-98
Expiration Date : 12-31-2000 6-30-2001 (EXTENDED)
School Discount : 80%
USCN # : 82946000005351
Service Start Date : 6-1-98
Contact : Sr. Marie O'Donnell
Tel : 718-430-0100
Fax : 718-892-8845

FROM: Al Garcia, Mgr./ School Markets
MetroCon Communications, Inc.
212-661-6800x540

RE : Internet Access Proposal / Contract
Service Provider ID # 143004632

Internet Access - (eligible for USF discount) (Put your initials next to your choice)

InterPort 384Kb/s Fractional T1Connectivity- \$ 450.00/mo.
Interport 512Kb/s Burstable T1 Connectivity \$ 555.00/mo
Interport Full T-1 (1.54Mbps Connectivity) \$ 799.00/mo. ✓

Equipment Maintenance 128K-T-1 Router (Eligible for USF discount) \$ 70.00/mo. ✓

Internet Content Control Service - (\$5.00 / PC. / \$150 max.) \$ 150.00 ✓
Requires integration by your computer consultant (not be eligible for discounts)

Equipment Choices: Cisco 2501 Router \$ 1850.00
RAD 56K - T1 CSU-DSU \$1065.00

or : RAD Web Ranger/FCD-1L/UTP (Router and CSU-DSU package) \$ 1995.00 ✓
(Item 16, columns 8 & 10 form 471). (Eligible for USF discount)

On-site Installation : Eligible for USF discount
(Item 16, columns 6 & 8, form 471) Point to Point connections \$ 1500.00 NA
(Item 15, column 6 & 8/form 471) Frame Relay connection \$ 695.00 NA

MetroCon will order, coordinate and test all telco local loop lines, and register the school's Internet Domain Name at no extra charge.

/Continued...

Payment Terms :

MetroCon Communications Inc. will bill the Schools and Libraries Corporation for the discounted portion of all amounts contracted according to procedures established by the same entity. MetroCon will bill schools directly for the non-discounted portion of amounts due per contract.

The validity of this contract is contingent upon funding being provided to the contracting school by the SLC.

To be signed when ordering service :

Msgr. Scanlan High School



By

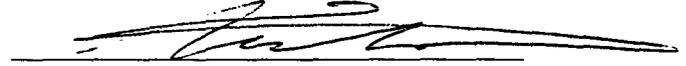
Rev. Thomas B. Derivan, Pastor

Print Name and Title

5/11/98

Date

MetroCon Communications Inc.



Michael Hoffman - VP of Operations

5-13-98



January 25th, 1999

TO: Sr. Marie O'Donnell
Msgr. Scanlan High School
915 Hutchinson River Parkway
Bronx, New York 10465

FROM: Al Garcia
212-661-6800x540

RE: Contract expiration date change

Dear Sr. Marie :

This document confirms the required extension of Msgr. Scanlan High School's contract with MetroCon from its original expiration date of December 31, 2000. The new expiration date is June 30th, 2001 to conform with the new funding year set forth by the Schools and Libraries Corporation and the filing requirements of form FCC 486.

Please, sign and return one original document to MetroCon.

Msgr. Scanlan High School

MetroCon Communications, Inc.

Name Rev. Thomas B. DERIVAN

AL GARCIA

Sig. (Rev.) T. B. Derivan

Al Garcia

Date 1/29/99

1/25/99



METROCON → AL GARCIA 212 661 6800 x1540
Monsignor Scanlan High School

915 HUTCHINSON RIVER PARKWAY

BRONX, NEW YORK 10465-1897

(718) 430-0100

Fax (718) 892-8845

www.scanlanhs.edu

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JUN 22 2000

FCC MAIL ROOM

September 29, 1999

Schools & Libraries Division
Appeals Department
100 South Jefferson
PO Box 125
Whippany, NJ 07981

Dear Sirs,

I have been contacted by the SLC relating to the contract extension time on one of my school's providers, MetroCon Communications, which is referred to on Application #68742, Year 1, Form 486.

Following the instructions of SLC worker, Christine Kilbern (tel. #888-203-8100) last April, I sent the attached letter to the SLC asking that this provider receive funding for his services from 06/01/1998 through 06/30/1999. I was also asked to submit a corrected Form 486. Since I did not hear anything further about this matter, I assumed all was well. In September, I was contacted again about this contract extension and told to send a letter of appeal to your office.

I hope that this matter can be resolved. If there is anything further I can do to permit this provider to receive his complete funding, please do not hesitate to call.

Sincerely,

Sr. Marie O'Donnell, OP

Sr. Marie O'Donnell, OP
Principal

jn
enc.

cc: MetroCon Communications, Inc.



Monsignor Scanlan High School

915 HUTCHINSON RIVER PARKWAY

BRONX, NEW YORK 10465

(718) 430-0100

Fax (718) 892-8845

OFFICE OF THE PRINCIPAL

April 30, 1999

SLC - Form 486
PO Box 7026
Lawrence, Kansas 66044-7026

Dear Sirs,

In compliance with instructions received from the SLC, one of my school's providers, MetroCon Communications, Inc. has asked me to file a corrected Form 486.

The correction is found in Block 2, Question 6, Column G. Our previous form did not indicate the extension of our contract date to 06/30/1999. Failure to indicate this contract extension date has resulted in this provider receiving funds covering the time period 06/01/1998 to 12/31/1998. I hope this corrected date will allow completion of funding for the time period 01/01/1999 to 06/30/1999.

Thanking you in advance for your attention to this matter, I am

Sincerely,

Sr. Marie O'Donnell, P.

Sr. Marie O'Donnell, OP
Principal

jn
enc.

CC: MetroCon Communications, Inc.

Universal Service for Schools and Libraries Receipt of Service Confirmation Form

Estimated Average Burden Hours Per Response: 1.5 hours

Please read instructions before completing. To be completed by Schools and Libraries or Consortia.)

Form 486 Application Number _____
(unique identifying number assigned by applicant)

Block 1: Applicant Information

1. Name of Billed Entity Applicant (required) MSGR SCANLAN HIGH SCHOOL	2. Billed Entity Number (required) 10649	3. Funding Year (required) 1998
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4. Complete Mailing Address of Billed Entity Applicant (required)			
Street Address, P. O. Box or Route Number 915 Hutchinson River Parkway	City Bronx	State NY	Zip Code 10465-1819
10-Digit Phone Number 718-430-0100	Fax Telephone Number 718-892-8845	E-Mail Address srmarie@scanlanhs.e	

5. Contact Person Information			
Contact Person Name (required) Sr. Marie O'Donnell			
Mailing Address (required if different from Item 4)			
Street Address, P. O. Box or Route Number	City	State	Zip Code
10-Digit Phone Number	Fax Telephone Number	E-Mail Address	

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503 or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission's (FCC) rules requires all schools and libraries ordering service are eligible for and seeking universal service discounts to file this Receipt of Service Confirmation Form (FCC Form 486) with the Universal Service Administrator themselves or as part of a consortium. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the form will be used to inform the Schools and Libraries Corporation that a billed entity and/or the schools and libraries that it represents, has begun to receive service after receiving a funding commitment approval pursuant to FCC Form 471.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicatory body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect the debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on the form, your application may be returned without action or your application may be delayed.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1980, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Billed Entity Applicant's 486 Number (to be assigned by Fund Administrator)

Billed Entity Applicant Name Msgr. Scanlan High School

Contact Name Sr. Marie O'Donnell

Billed Entity Number 10649

Contact Telephone Number 718-430-0100

Block 2: Services Received

6. For Shared Services and Site Specific Services

Provide the following information about the services received for which the billed entity applicant is paying.

	(A) 471 Application Number (10 digits)	(B) Funding Request Number (FRN) (10 digits)	(C) Service Provider Name	(D) Service Provider Identification Number (SPIN) (9 digits)	(E) Actual Service Start Date (mm/dd/yyyy)	(F) Early Termination of Service Date (mm/dd/yyyy)	(G) Contract Extension Termination Date (mm/dd/yyyy)	(H) Cancel FRN (Yes/No)	(I) Applicant to Submit <u>Billed Entity Applicant Reimbursement Form</u> for Discounts on Eligible Services Received and Paid for in Full (Yes/No)
	(Required)	(Required)	(Required)	(Required)	IMPORTANT: Please see Instructions for Requirements for Columns (E), (F), and (G)			(Required)	(Required)
	From Funding Commitment Decisions Letter	From Funding Commitment Decisions Letter	From Funding Commitment Decisions Letter	From Funding Commitment Decisions Letter					
1	00000 68742	00000 65138	Bell Atlantic dba New York Tel. Co.	143001359	03/02/1998			No	Yes
2	00000 68742	00000 65163	Bell Atlantic dba New York Tel. Co.	143001359	01/01/1998			No	Yes
3	00000 68742	00000 65181	AutoExec Computer Systems, Inc.	143004783	06/01/1998		06/30/1999	No	Yes
4	00000 68742	00000 65190	MetroCon Communica- tions, Inc.	143004632	06/01/1998		06/30/1999	No	No
5									
6									
7									
8									

Billed Entity Applicant Name Msgr. Scanlan HS Contact Name Sr. Marie O'Donnell
Billed Entity Number 10649 Contact Telephone Number 718-430-0100

Block 3: Certification

7. I certify that the technology plan(s) for the services received as indicated above have been approved by: (Fill in the name of each organization that reviewed and approved a technology plan for any eligible entity that is receiving services covered under this form; attach an additional list if necessary. If ALL of the FRNs listed herein are for basic telephone service only, write in "none" here.) (required to be completed)

State Education Department, Albany, NY

8. I certify that the services listed above have been or are being provided to all or some of the eligible entities identified in the Form 471 application(s) cited above. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named billed entity applicant, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

9. I certify that I will promptly notify the fund administrator if any services received that are included within a funding request number identified in Block 2. Column 2 herein are terminated or canceled, resulting in the termination or cancellation of the fund administrator's obligation to pay invoices submitted by service providers for said services.

10. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.

11. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.

12. Signature (original ink signature required)

Sr. Marie O'Donnell

13. Date (required)

3/1/99

14. Printed name of authorized person (required)

Sr. Marie O'Donnell

15. Title or position of authorized person (required)

Principal

16. Telephone number of authorized person (optional)

718-430-0100

17. Address of authorized person (required)

915 Hutchinson River Parkway, Bronx, NY 10465-1819

Page 3 of 3

FCC Form 486 - October 1998

A paper copy of this form, with an original signature in Block 3, Item 12 should be mailed to:

SLC-Form 486
P. O. Box 7026
Lawrence, Kansas 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:

SLC-Form 486
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046