

March 5, 2001

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 13 2001

Dear Sirs:

FCC MAIL ROOM

Request for Review by Ouray School District R-1 of Decision of Universal Service Administrator.

FCC Docket Nos. 97-21 and 96-45

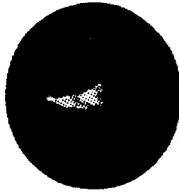
Enclosed are our statements, relevant materials and documentation. Unfortunately, the SLD would *not* provide a copy of the Block 6 of our 471 application 183662. They have the original and only copy of the document in question. On March 5, I requested this copy and was told they would get back to me that day with a response. I indicated that the FCC required documentation and relevant materials for an appeal and that I needed this paper. As of March 8, they have not responded, so I am sending this without that sheet. It can be viewed online, but will not show our authorized signature with the date in question.

**Ouray School District R-1
Billed entity number: 142439
471 Application Number: 183662**

No. of Copies rec'd _____
DATE _____

cc: SLD
Heidi McDuffie

March 6, 2001



Ouray School District R-1
P.O. Box N 400 7th Avenue
Ouray, Colorado 81427

RECEIVED

MAR 13 2001

FCC MAIL ROOM

To Whom it May Concern:

We, the Ouray School District R-1, wish to appeal the SLD decision of February 27, 2001 regarding our 471 application 183662. We filed our 470 form on December 17, 1999, waited the 28 days necessary before filing our 471 application. It was filed online with the SLD on January 17, 2000- a full three days after the required 28-day waiting period was over. We mailed our Block 6 segment Federal Express the next day, to ensure its arrival by the January 19 deadline (see Fed Ex receipt). The only thing wrong with our entire 471 form was that on the Block 6 sheet the date listed by our superintendent was January 12. Heidi McDuffie is our superintendent and our authorized signature person, but she is not aware of the intricate details of the e-rate process. She was physically out of town during the possible filing days of January 14-19 and was asked for her signature prior to her departure.

A letter from the SLD dated December 10, 1999 states that the "SLD requires that you wait 28 days before filing Form 471." We did. We did not jeopardize any service providers or the competitive bidding process by Mrs. McDuffie's inadvertent error in the dating. This is not, in our mind, an error that merits receiving no reimbursement for the monies our district has already expended.

We hope you will understand the problem and its minuteness in the larger scope of things. The E-rate funding for schools was created to help improve technology resources. We are a K-12 school and district and have relied on the fact that these federal funds will be dispersed. The amount of time it takes by a full-time teacher to apply each year for e-rate funds is incredible. We waited over nine months to hear back from the SLD about our appeal. The bureaucracy of this funding is difficult enough in itself, but to add the additional task of correcting a tiny error is frustrating. Wouldn't it just have been easier to have handled this small problem by directly discussing it with us in the first place?

In conclusion, we have complied with the correct procedures. We did not file early. Our years one, two and four have all been accepted without any trouble. Please overturn the SLD decision and let us continue the filing process for year three reimbursement. We need these funds.

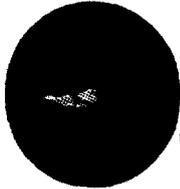
Sincerely,


Nancy Nixon
Ouray School contact person
Media Specialist

Re: Billed Entity number 142439
471 Application number 183662

Heidi McDuffie Superintendent and High School Principal
Phone (970) 325-4505 Fax (970) 325-7343

Dottie Miller Pre K - 8th Grade Principal
E-Mail osd@ouray.k12.co.us



Ouray School District R-1
P.O. Box N 400 7th Avenue
Ouray, Colorado 81427

March 6, 2001

Ladies and Gentlemen:

I am the authorized representative for the Ouray School District R-1 and hope that you will thoughtfully evaluate our situation and overturn our appeal to the SLD.

It was physically impossible for me to sign the 471 application on the date following the 28-day window and preceding the deadline. I would have had to lie about the date, not knowing that a two day difference of the signature would have such drastic consequences of our district losing all of our E-rate funding for year 3.

Please look at the human side of this issue: the authorized person signed prior to her leaving town, yet the application was turned in in a timely fashion. Please do not penalize us based on such a minute technicality.

Sincerely,

A handwritten signature in cursive script that reads "Heidi McDuffie".

Heidi McDuffie
Superintendent

From Please print and press hard.
 Date 1/18/00 Sender's FedEx Account Number

Sender's Name Nancy Nixon Phone 970.325-4505

Company Ouray School

Address 400 7th Ave

City Ouray State CO ZIP 81427

Your Internal Billing Reference
First 34 characters will appear on invoice.

To Recipient's Name SLIP - Form 471 Phone ()

Company %Ms. Smith

Address 3833 Greenway Drive

City Lawrence State KS ZIP 66046

4a Express Package Service Packages up to 150 lbs. Delivery commitment may be later in some areas.
 FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight Earliest next business morning delivery to select locations

FedEx 2Day* Second business day FedEx Express Saver* Third business day * FedEx Letter Rate not available. Minimum charge: One-pound rate.

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.
 FedEx 1Day Freight* Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day

* Call for Confirmation: _____

5 Packaging * Declared value limit \$500
 FedEx Letter* FedEx Pak* Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling
 Saturday Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes Sunday Delivery Available for FedEx Priority Overnight to select ZIP codes HOLD Weekday at FedEx Location Not available with FedEx First Overnight HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? One box must be checked.
 No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, § UN 1845 x _____ kg Cargo Aircraft Only

7 Payment BILL to: Enter FedEx Acct. No. or Credit Card No. below
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. _____ Exp. Date _____
 Credit Card No. _____

Total Packages	Total Weight	Total Declared Value*
		\$.00 # 17.00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

8 Release Signature Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

360

RETAIN THIS COPY FOR YOUR RECORDS

Questions? Call 1-800-Go-FedEx® (800-463-3339)
 Visit our Web site at www.fedex.com

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

9:26 am
 1/19
 mhodges



Administrator's Decision on Appeal - Funding Year 2000-2001

February 27, 2001

Nancy ~~Dixon~~, Heidi McDuffie
Ouray School District R-1
P.O. Box N 400 7th Avenue
Ouray, Colorado 81427

Re: Billed Entity Number: 142439
471 Application Number: 183662
Funding Request Number(s): 380457, 380533, 380884 380965 & 392056
Your Correspondence Dated: May 16, 2000

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 380457, 380533, 380884 380965 & 392056
Decision on Appeal: **Denied in full**

Explanation:

- On appeal, you contended that the application was inadvertently dated and signed with the incorrect date of January 12th instead of the 14th. You are asking SLD to approve your funding request, even though you signed and/or submitted your Form 471 prior to the expiration of the 28-day posting period.
- Your Form 470 (Application Number: 684680000278504) was posted on December 17, 2000. In your Form 470 Receipt Notification Letter, SLD notified you that that the earliest date upon which you could sign and submit your Form 471 was January 14, 2000. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing and/or submitting your Form 471.

- Please note that FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See* 47 C.F.R. §§ 54.504, 54.511(a), (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. *See* 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. 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 website at <www.universalservice.org> **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

OURAY SCHOOL DISTRICT R 1
Nancy Nixon
Box 305
Ouray, CO 81427-0305

January 27, 2000

FCC Form 471 RECEIPT ACKNOWLEDGMENT LETTER TO APPLICANT
Re: Form 471 Application Number 183662

Funding Year 07/01/2000 - 06/30/2001 - Program Year 3
Applicant's Form Identifier: 471-3
Billed Entity Number 142439

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your FCC Form 471, Services Ordered and Certification Form, reflecting \$51,830.00 in total program year pre-discount costs for services.

This letter does NOT contain any decisions concerning your requests for discounts.

Please keep this letter for your records. The Form 471 application number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that your Form 471 was officially received by the SLD on 01/18/2000 and successfully entered into our data system. In addition, we have received the Certification for the Form 471 and the other required documentation. We have entered this Certification into our processing system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive a separate Funding Commitment Decisions Letter which informs you of the disposition of your application. Until you receive a Funding Commitment Decisions Letter from the SLD, you cannot assume that you will receive the discounts for which you are applying.

Your application will be considered within the application filing window wherein all applications which meet the Minimum Processing Standards are treated as though they were received on the same day.

HOW TO USE THIS 471 RECEIPT ACKNOWLEDGMENT LETTER TO CORRECT INFORMATION ON YOUR FORM 471 (ACT WITHIN 2 WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, these can be corrected using this Form 471 Receipt Acknowledgment Letter. Examples of the errors that can be corrected are:

- * Block 1 information (such as contact person or street address);
- * Reductions to Block 5 Funding Requests;
- * SPIN is incorrect because of a data entry error or because the company has merged with or been acquired by another company (Requests to change service providers for other reasons cannot be accommodated through the Receipt Acknowledgment Process.);
- * If on your Form 471 you incorrectly combined or "bundled" into one Funding Request Number (FRN) two or more services from different service providers (for example, local phone service from one company and long distance service from another) or from different eligible service categories (such as internal connections and Internet access), you may request us to "split" or "unbundle" the FRN.

NOTE: The total dollar amount represented by the newly divided FRN must not exceed the amount you requested for the original combined FRN. On the photocopy of your

Funding Request Number: 380457
SPIN: 143010402 Service Provider Name: Convergent Communications Services, Inc.
Services Ordered: Telc Svc(s)
Pre-discount Cost: \$4,200.00
Discount Percentage: 56%

Funding Request Number: 380533
SPIN: 143000336 Service Provider Name: Durango Cellular Telephone Company, Inc.
Services Ordered: Telc Svc(s)
Pre-discount Cost: \$4,800.00
Discount Percentage: 56%

Funding Request Number: 380884
SPIN: 143004991 Service Provider Name: Gateway 2000 Major Accounts, Inc.
Services Ordered: Intr Con
Pre-discount Cost: \$5,000.00
Discount Percentage: 56%

Funding Request Number: 380965
SPIN: 143005231 Service Provider Name: U S West
Services Ordered: Telc Svc(s)
Pre-discount Cost: \$24,000.00
Discount Percentage: 56%

Funding Request Number: 392056
SPIN: 143004369 Service Provider Name: Application Consultants, Inc.
Services Ordered: Intr Con
Pre-discount Cost: \$13,830.00
Discount Percentage: 56%

1-800-203-8100

FUNDING COMMITMENT REPORT

Form 471 Application Number: 183662

Funding Request Number: 380457 Funding Status: Not Funded
SPIN: 143010402 Service Provider Name: Convergent Communications Services, Inc.
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: N/A
Pre-Discount Amount: \$4,200.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 380533 Funding Status: Not Funded
SPIN: 143000336 Service Provider Name: Durango Cellular Telephone Company, Inc. dt
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: N/A
Pre-Discount Amount: \$4,800.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 380884 Funding Status: Not Funded
SPIN: 143004991 Service Provider Name: Gateway 2000 Major Accounts, Inc.
Contract Number:
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: N/A
Pre-Discount Amount: \$5,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 380965 Funding Status: Not Funded
SPIN: 143005231 Service Provider Name: U S West Communications, Inc.
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: N/A
Pre-Discount Amount: \$24,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 183662

Funding Request Number: 392056 Funding Status: Not Funded
SPIN: 143004369 Service Provider Name: Application Consultants, Inc.
Contract Number:
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: N/A
Pre-Discount Amount: \$13,830.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.