



# Public Utility Law Project

DOCKET FILE COPY ORIGINAL

March 14, 2001

Hon. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

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MAR 15 2001

FCC MAIL ROOM

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Albany, New York 12207-1715

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Gerald A. Norlander  
Executive Director

Midge De Chiro  
Administrator

Charles J. Brennan  
Attorney

Ben Wiles  
Sen. Attorney

Re: FCC DA 01-369

*In the Matter of Nomination for Universal Service Administrative  
Company Board of Directors, FCC Docket Nos. 97-21 and 96-45.*

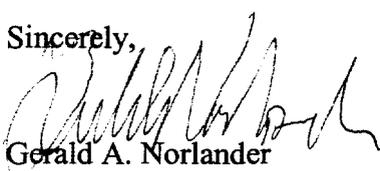
Dear Ms. Salas:

I have been nominated by the New York State Community Action Association (NYSCAA) as a representative of low income consumers to serve as a member of the board of directors of the Universal Service Administrative Company. In my work with the Public Utility Law Project I have represented the interests of low income consumers since 1989 in numerous matters involving administration of lifeline assistance, measures to increase local telephone service subscription, access of low income and rural communities to advanced services, and other universal service issues. I accept the nomination and agree to serve if selected by the Federal Communications Commission.

The original and four copies of the NYSCAA nomination, which includes my resume, are enclosed. Also attached to the nomination are copies of supporting letters from the Rural Law Center of New York, Legal Services for the Elderly, and the Texas Legal Services Center.

If you have any questions, please contact me.

Sincerely,

  
Gerald A. Norlander

cc: Sheryl Todd,  
Accounting Policy Division  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

\_\_\_\_\_  
Name of Justice rec'd

\_\_\_\_\_  
DATE

# School District of Grand Island

Administration Building

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March 6, 2001

To Whom It May Concern:

I am writing regarding Year 3 Universal Service Funding requests, specifically application #172421. Please note our district information below. I am responding to "Administrator's Decision on Appeal - Funding Year 2000-2001" dated February 14, 2001.

Applicant Name: Grand Island Public Schools  
Application Number: 172421  
Billed Entity Number: 138718  
FRN: 372002  
Reason for Letter: Appeal

I am also directing this letter to the Federal Communications Commission citing CC Docket Nos. 96-45 and 97-21.

On February 14, 2001, a letter was mailed to the School District of Grand Island indicating that our Universal Service Funding request for reimbursement of frame relay charges and router maintenance charges was denied in full. I am writing to appeal this decision.

The charges listed on the application include:

- Annual pre-discount amount for eligible recurring charges\* \$33,829.56  
\*T-1 and 56K data line charges
- Annual pre-discount amount for eligible one-time charges# \$6,300.00  
#Router maintenance charges

After visiting with USF personnel, I understand that listing the router maintenance on this application moved the application from Internet Access to Internal Connections. I understand that due to the large number of funding requests, Internal Connections will not be funded this year. I also understand that according to your guidelines, changes cannot be made to the 471 once it has been filed. I do not consider disregarding the Internal Connections portion of the application to be a change. Page 5 of the Form 471 filing instructions indicates:

*As the billed entity for services requested on one or more Forms 470, you may combine services requested on multiple Forms 470 into one Form 471, or you may file a corresponding Form 471 for each Form 470 filed on your behalf.*

Apparently, the current interpretation of SLC guidelines is contrary to my interpretation of the filing instructions. Those of us who chose to be efficient with our time and file both charges on the same form are now being penalized because Internal Connections are not being funded this year.

*Sue Burch*

*Director of Instructional Technology*

123 South Webb Road  
P. O. Box 4904  
Grand Island, NE 68802-4904

(308) 385-5900 - phone  
(308) 385-5976 - fax  
sburch@esu10.org

In order to provide a broader picture of the Universal Service Fund filing process from the perspective of a large district, I have outlined the tasks and associated time commitments that I have experienced with the Year 3 funding cycle. Thus far, in order to apply for the Year 3 funding cycle, I have done the following.

<u>Task</u>	<u>Date</u>	<u>Estimated Burden Hours</u>
• Posted Form 470 #278040000280219	December, 1999	5 hours
• Posted Form 470 #581030000280125	December, 1999	5 hours
• Posted Form 470 #693430000279846	December, 1999	5 hours
• Posted Form 470 #704030000280065	December, 1999	5 hours
• Posted Form 470 #81874000027997	December, 1999	5 hours
• Posted Form 471 #173092	January, 2000	4 hours
• Posted Form 471 #172702	January, 2000	4 hours
• Posted Form 471 #172568	January, 2000	4 hours
• Posted Form 471 #172421	January, 2000	4 hours
• Posted Form 471 #170713	January, 2000	4 hours
• Faxed note of clarification regarding existence of Walnut Middle School, Alternative Middle School, and Connell Building	April, 2000	1 hour
• Faxed note of clarification regarding Progress School	April, 2000	1 hour
• Faxed note of clarification Alternative Middle School and Lincoln Elementary	April, 2000	1 hour
• Faxed note of clarification for Form 471 #170713	May, 2000	1 hour
• Faxed note of clarification for Form 471 #172421	May, 2000	1 hour
• Faxed note of clarification for Form 471 #172568	May, 2000	1 hour
• Faxed note of clarification for Form 471 #172702	May, 2000	1 hour
• Faxed letter of appeal for Form 471 #172421	May, 2000	1 hour
• Emailed further clarification for Form 471 #172421	February, 2001	.5 hours
• Fax second letter of appeal for Form 471 #172421	February, 2001	<u>2 hours</u>
		55.5 hours

- At the present time, we have received notification that one of our five funding requests has been accepted. Form 471 #170713 regarding district phone charges was funded for \$22,637.02. The other four applications have been denied in full.
- With an additional 10-12 hours, I could have easily filed the router maintenance portion of Form 471 #172421 on separate Form 470 and 471 applications. Either my time efficiency or the current SLC interpretation is costing my district approximately \$27,690.00.

This is not my first frustrating experience with this process. I can say with great certainty that I am not alone in my frustrations. The entire Universal Service Fund application process from Year 1 forward has been confusing, inconsistent, and extremely labor intensive. At the present time, I have 2 three-ring binders containing my documents from Years 1-4 applications.

*Sue Burch*  
*Director of Instructional Technology*

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P. O. Box 4904  
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I strongly suspect that the current manner of administering the Universal Service Funding program is a far cry from what the originators envisioned. Unfortunately, due to the complexity of the application process, many districts within our state are no longer working with the program. The excessive paperwork and immense time commitment may necessitate our district contracting with a service company to complete and monitor our Universal Service Fund applications. Isn't it unfortunate that the high degree of bureaucracy will in fact cost schools money, rather than saving them public monies as intended?

In closing, I would once again ask that you reconsider the status of Form 471 #172421. I believe we have followed the rules as we have known them.

Thank you,



Sue Burch  
123 South Webb Road, Box 4904  
Grand Island, NE 68802-4904  
Phone - 308 385-5900  
Fax - 308 385-5976  
sburch@esu10.org

cc: Letter of Appeal  
Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

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

Julie Brooker  
Senator Chuck Hagel's Office  
4009 Sixth Avenue  
Kearney, NE 68845

Bruce Reiker  
Senator Tom Osborne's Office  
819 North Diers  
Suite 3  
Grand Island, NE 68803

Alan Wibbels, Media/Technology Director  
ESU #10  
Box 850  
Kearney, NE 68848

*Sue Burch*  
*Director of Instructional Technology*

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Dr. Steve Joel, Superintendent  
School District of Grand Island  
Box 4904  
Grand Island, NE 68802-4904

Mr. Virgil Harden, Director of Business  
School District of Grand Island  
Box 4904  
Grand Island, NE 68802-4904

*Sue Burch*  
*Director of Instructional Technology*

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of Nomination for Universal Service  
Administrative Company Board of Directors,  
FCC Docket Nos. 97-21 and 96-45.

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FCC DA 01-369

NOMINATION OF GERALD A. NORLANDER  
TO BE A MEMBER OF THE BOARD OF DIRECTORS  
OF THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

Submitted By

New York State Community Action Association  
Dan Maskin, Executive Director  
21 Aviation Road, Albany, NY 12205  
Tel. 518.453.9008  
Fax 518.453.9053

Dated: March 12, 2001

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of Nomination for Universal Service  
Administrative Company Board of Directors,  
FCC Docket Nos. 97-21 and 96-45.

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FCC DA 01-369

NOMINATION OF GERALD A. NORLANDER  
TO BE A MEMBER OF THE BOARD OF DIRECTORS  
OF THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

On February 14, 2001 the Federal Communications Commission (FCC) issued a Public Notice in the above-captioned matter, seeking the nomination of a representative of low income consumers to serve on the board of the Universal Service Administrative Company (USAC). USAC is responsible to the FCC for administering financial assistance and support mechanisms, including those for schools and libraries, rural health care, high cost areas, lifeline and linkup service for low income persons, and interstate access universal service. The Public Notice encourages the nomination by low income consumer organizations of a person with substantial experience in, and knowledge of, telecommunications issues.

The New York State Community Action Association (NYSCAA) nominates Gerald A. Norlander to be a director of USAC. Mr. Norlander is nominated as a individual knowledgeable about telecommunications and universal service policies, who would be supportive of USAC and its mission, and whose experience in the administration of non profit organizations and as an advocate for low income consumers would be an asset to the USAC board.

NYSCAA is a statewide association of local non-profit community action agencies

serving low income households, consumers and communities throughout the State of New York. Some of the diverse services provided by NYSCAA's members include Head Start child care centers, programs for youth and the elderly, and weatherization services to assist low income home energy consumers. NYSCAA is a member of the National Association of Community Action Agencies (NACAA). NACAA and NYSCAA are working vigorously on measures to remedy the digital divide that affects low income consumers and the communities in which they live. See, e.g., *Information Technology For Community Action Agencies And Their Low-income Clients*, <http://www.nacaa.org/ITSI-final.pdf>

Mr. Norlander is the Executive Director of the Public Utility Law Project, in Albany, New York. The Public Utility Law Project (PULP) is a statewide non profit organization dedicated, *inter alia*, to representing low income consumers in telecommunications matters. He actively represents the interests of low income consumers of telecommunications services in state and federal regulatory proceedings involving measures to increase telephone subscribership by low income households, such as lifeline rate design and administration. Also he has advocated in regulatory proceedings and other initiatives to increase access to the internet and advanced telecommunications services in low income households and communities. Mr. Norlander participated in proceedings which led to the development of New York's automated lifeline enrollment procedures that streamline administration of lifeline benefits for more than 500,000 low income New York consumers, while protecting privacy; billing and collection reforms that provide increased protection against shutoff of basic local telephone service; and the introduction of competitive services without erosion of the consumer rights and benefits of low income consumers. Mr. Norlander has worked together with NYSCAA in advocating for measures to increase access to advanced telecommunications services by low income households, low income

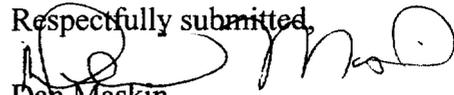
communities, and the non profit service organizations that serve low income people.

As his resume (attached) shows, Mr. Norlander is a member of the utility law and legal aid committees of the New York State Bar Association. His public service work includes membership on the New York State Chief Judge's Committee on the Availability of Legal Services (the "Marrero" Committee); and volunteer rural development work for two years in India with the U.S. Peace Corps. Mr. Norlander is experienced in the administration and governance of non profit organizations, and has served as a director of several non profit boards, including the board of a neighborhood health center in a low income community in Mount Vernon New York. He is also a member of the consumer advisory panel of the Competition Policy Institute. For further details of his work in the area of universal service, or other information, please contact Mr. Norlander directly at the address and number indicated on his attached resume.

For all of the above reasons, NYSCAA respectfully requests that the FCC appoint Gerald A. Norlander to serve as a director of the Universal Service Administrative Company.

March 12, 2001

Respectfully submitted,

  
Dan Maskin

Executive Director

New York State Community Action  
Association

21 Aviation Road, Albany, NY 12205

Tel. 518.453.9008

Fax. 518.453.9053

Attachment: Resume of Gerald A. Norlander

Original plus four copies to:

Magalie Roman Salas, Office of the Secretary,

Federal Communications Commission 445 12<sup>th</sup> Street, S.W., Room TW-A325

Washington, D.C. 20554

**GERALD A. NORLANDER**

**23 Miller Road**

**Rensselaer, New York 12144**

**(518) 449-3375 (Office);(518) 283-0931 (Home), e-mail ganorlander@pulp.tc**

**CURRENT POSITION:**

*Executive Director, Public Utility Law Project of New York, Inc., February 2000 - present. General responsibility for operation of non profit organization advocating for universal service, customer protection, and affordable service for low income utility consumers.*

**PRIOR LEGAL EXPERIENCE:**

*Deputy Director - Public Utility Law Project, July 1989- Feb. 2000. Supervise and conduct representation of low income persons and community organizations intervening in energy, telecommunications and utility-related matters in administrative and court proceedings; edit written submissions to regulatory agencies and courts; legislative representation; assist Director in grant administration and administrative matters involved in operation of non profit organization.*

*Executive Director - Westchester Legal Services, Inc., 1979 - June 1989. General responsibility for not-for-profit legal services organization representing low income persons in civil matters. Law office management; litigation supervision; regulatory compliance; fiscal planning; public and private grant and contract development and administration; public speaking; press relations; reporting to board of directors.*

*Attorney - Westchester Legal Services, Inc., 1974 - 1979, Reginald Heber Smith Fellow, Legal Aid Society of Westchester County, 1972 - 1974. Poverty law and civil rights litigation at all levels of state and federal trial and appellate courts.*

**PROFESSIONAL AND COMMUNITY ACTIVITIES:**

Presenter at numerous conferences and continuing legal education seminars on digital divide issues, automated telephone lifeline rate enrollment, utility industry restructuring, low income utility consumer issues, and consumer protection in increasingly competitive utility industries (E.g., Albany Law School; NY Digital Divide Conference; NASUCA; CFA; NCLC; NYSBA).

*Committee on Public Utility Law, New York State Bar Association; Energy Bar Association; Association of the Bar of the City of New York; Committee on Legal Aid, NYSBA. NY Chief Judge's Committee to Improve the Availability of Legal Services ["Marrero Committee"] (1988 - 1990); Consumer Advisory Board, Competition Policy Institute.*

Board of Directors, Council of Community Services of New York State, Albany (1990 - 1997); Member of Board of Directors, Mt. Vernon Neighborhood Health Center (1975 - 1979).

**PUBLICATIONS:**

PULP newsletter and articles; *PULP Utility Law Manual* (portions); *Pro Bono*, New York Law Journal, Jan. 28, 1989; *The In-Between Years: A Study of Laws Affecting Sixteen to Twenty-one Year Olds* (MSS Co-author, 1982); *Assigned Counsel in Divorce Cases*, NYSBA Journal (April, 1984).

**BAR ADMISSIONS:**

New York State (1st Dept. 1973); Southern District of New York (1974); Eastern District of New York (1974); Northern District of New York (1989); Second Circuit Court of Appeals (1976); United States Supreme Court (*pro hac vice* 1975, regular admission 1977).

**EDUCATION:**

University of Minnesota, J.D., B. A.

**INTERNATIONAL EXPERIENCE:**

Former U. S. Peace Corps Volunteer, India; conversant in Hindi.

**REFERENCES:**

Upon Request



**RURAL LAW CENTER OF NEW YORK, INC.**

March 13, 2001

Hon. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

**MAIN OFFICE**  
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**BRANCH OFFICE**  
90 State Street, Suite 601  
Albany, New York 12207  
(518) 449-3375, ext. 16  
Fax (518) 449-1769  
e-mail: hsiegfried@wsg.net

Re: Nomination of Gerald A. Norlander

FCC DA 01-369, *In the Matter of Nomination for Universal Service Administrative Company Board of Directors*, FCC Docket Nos. 97-21 and 96-45.

Dear Ms. Salas:

I am writing in support of the nomination by the New York State Community Action Association of Gerald A. Norlander to be a director of the Universal Service Administrative Company.

I am the Executive Director of the Rural Law Center. The Rural Law Center is a support and advocacy center for low income persons in rural New York State. Among its efforts, the Rural Law Center supports the provision of lifeline telephone service and advanced telecom services in rural areas of the state. In the course of its work the Rural Law Center has worked together in cooperation with the Public Utility Law Project and Mr. Norlander to advocate on matters such as procedures to protect intraLATA telephone service, essential to rural New Yorkers, from unwarranted shutoff.

Mr. Norlander through his work with the Public Utility Law Project has worked for many years to protect the interests of low income telecommunications customers, in state and FCC proceedings, and by providing consultation services and training to low income advocates and organizations in all areas of the state, including rural areas.

As one who has spent his professional life, protecting the interests of low income clients, Mr. Norlander is recognized as a statewide leader in New York. Therefore I support the nomination of Mr. Norlander to serve as a director of the board of the Universal Service Administrative Company and I strongly urge the Federal Communications Commission to appoint him to the position.

Very truly yours,

Susan Patnode  
Executive Director

Susan L. Patnode  
Executive Director



March 13, 2001

Hon. Magalie Roman Salas  
Office of the Secretary  
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445 12<sup>th</sup> Street, S.W., Room TW-A325  
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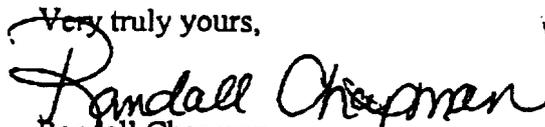
Dear Ms. Salas:

I am writing in support of the nomination by the New York State Community Action Association of Gerald A. Norlander to be a director of the Universal Service Administrative Company. I am the Executive Director of the Texas Legal Services Center (TLSC).

In the course of its work, TLSC advocates on behalf of low income consumers of telecommunications services in the State of Texas.

Mr. Norlander has done pioneering work in the areas of universal service, telephone lifeline assistance, and advanced telecom services for low income communities. Over the years he has provided much useful information and assistance to us at TLSC in our work to achieve higher penetration of basic telephone service in low income communities in Texas.

I encourage the Commission to appoint Mr. Norlander to the board of the Universal Service Administrative Company because of the depth of his knowledge and experience in this area, and because of his longstanding work benefitting low income consumers of telecommunications services throughout the country.

Very truly yours,  
  
Randall Chapman  
Executive Director

815 BRAZOS, SUITE 1100  
(512) 477-6000

Fax: (512) 477-6576

AUSTIN, TEXAS 78701

web: [www.tlsc.org](http://www.tlsc.org)

# LEGAL SERVICES FOR THE ELDERLY

130 W. 42nd Street, 17th Floor

New York, N.Y. 10036-7803

TEL. (212) 391-0120

FAX. (212) 719-1939

**Jonathan A. Weiss**

Director

March 13, 2001

Hon. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
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Dear Ms. Salas:

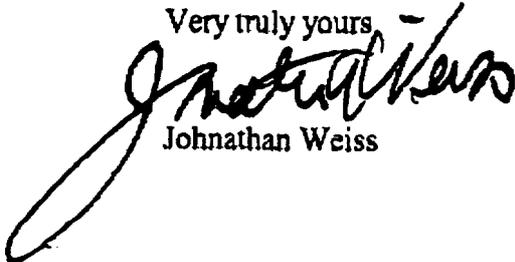
I am writing in support of the nomination by the New York State Community Action Association of Gerald A. Norlander to be a director of the Universal Service Administrative Company.

I am the Executive Director of Legal Services for the Elderly in New York City. In the course of its work to provide civil legal assistance to the poor, Legal Services for the Elderly advocates on behalf of elderly low income consumers of telecommunications services in New York City.

I have known Mr. Norlander for many years. He has done excellent work representing the interests of low income consumers in state and FCC proceedings. With the Public Utility Law Project, he has provided consultation services and assistance to advocates for low income utility consumers throughout the state and nation.

I support the nomination of Mr. Norlander to the board of the Universal Service Administrative Company and urge the Federal Communications Commission to appoint him to the position.

Very truly yours,

  
Jonathan Weiss