

Preston Town County Library
Hot Springs, Montana 59845

March 16, 2001

RECEIVED

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

APR - 6 2001

FCC MAIL ROOM

In the matter of: Request for Review by Preston Town County Library of
Decision of Universal Service Administrator.
Reference FCC Docket Nos. 97-21 and 96-45

Our small rural library has been through two denials of appeal with the Schools and Libraries Division of the USAC. This funding is essential to our operation because it comprises one twelfth of our total budget. We hope the FCC will be able to help.

I signed the Form 471 (Funding Year 3, 2000-2001) on January 6, 2000, but *mailed* it on January 10, 2000. (Please see copies of postal receipt and return card). June 2nd, 2000 was our first denial from USAC/SLD. Due to a vacation I was not able to send in the appeal to USAC/SLD until June 28th, 2000. Finally, on March 16th we received our second denial from the USAC Administrator. (See attached copies).

Historically, we have never had competitive bidders. Hot Springs Telephone Company has been our only bidder during each 28 day process. Since we wouldn't be able to operate our patron computers with internet and high-speed DSL, we ask for your reconsideration on this matter.

Sincerely,



Jean Patton, Director
Preston Town County Library

No. of Copies rec'd 0
List A B C D E

Entity Number 147639	Applicant's Form Identifier "C1"
Contact Person JEAN PATTON	Phone Number 406-741-3491

Block 6: Certifications and Signature

- 24 The applicant is eligible for support because it includes: (Check one or both.)
- a schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
 - b libraries or library consortia eligible for assistance from a state library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.
- 25 The schools and libraries I represent have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- 26 All of the individual schools, libraries, and library consortia listed in Block 4 are covered by:
- a an individual technology plan for using the services requested in this application; and/or
 - b higher-level technology plan(s) for using the services requested in this application; or
 - c no technology plan needed; applying for basic local and long distance telephone service only
- 27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
- a technology plan(s) has/have been approved.
 - b technology plan(s) will be approved by a state or other authorized body.
 - c no technology plan needed; applying for basic local and long distance telephone service only.
- 28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- 31 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 service, receive an appropriate share of benefits from those services.
- 32 I recognize that I may be audited pursuant to this application and will retain for five years any and all worksheets and other records that I rely upon to fill out this application.
- 33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34 Signature <i>Jean Patton</i>	35 Date <i>1/6/2000</i>
36 Printed name of authorized person JEAN PATTON	
37 Title or position of authorized person DIRECTOR	
38 Telephone number of authorized person: (406)741-3491 ext. _____	
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(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.	

Postage receipts

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: SLD - FORM 471 c/o Mrs Smith 3833 GREENWAY DR. LAWRENCE, KANSAS 66046	4a. Article Number 2260 392 143	
	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	7. Date of Delivery JAN 12 2000	
5. Received By: (Print Name) 	8. Addressee's Address (Only if requested and fee is paid) SAME	
6. Signature: (Addressee or Agent) X <i>Randall Howard</i>		

Thank you for using Return Receipt Service.

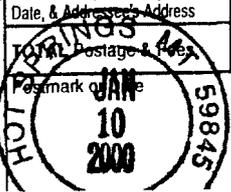
PS Form 3811, December 1994 102595-98-B-0229 Domestic Return Receipt

2 260 392 143

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	<i>SLD - FORM 471 to Mrs Smith</i>
Street & Number	<i>38 33 GREENWAY DR</i>
Post Office, State, & ZIP Code	<i>LAWRENCE KS 66046</i>
Postage	<i>\$.99</i>
Certified Fee	<i>1.40</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.25</i>
Return Receipt Showing to Whom, Date, & Addressee's Address	
Total Postage & Fees	<i>\$ 3.64</i>
Postmark	<i>JAN 10 2000</i>

PS Form 3800, April 1995



3

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

SCHOOLS AND LIBRARIES DIVISION

FUNDING COMMITMENT DECISION LETTER

(Funding Year 3: 07/01/2000 - 06/30/2001)

June 2, 2000

RECEIVED

APR - 6 2001

FCC MAIL ROOM

PRESTON TOWN/COUNTY LIBRARY
JEAN PATTON
203 EAST MAIN STREET
HOT SPRINGS, MT 59845

Re: Form 471 Application Number: 197972
Funding Year 3: 07/01/2000 - 06/30/2001
Billed Entity Number: 147639

Thank you for your 2000-2001 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved. THE FORM 486 IS UNDER REVISION AND WILL BE MADE AVAILABLE AS SOON AS IT IS READY. Information will be posted on the SLD web site at www.sl.universalservice.org regarding the availability of this form for the funding period 07/01/2000 - 06/30/2001. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you.

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SLD at the address below WITHIN 30 DAYS OF THE ABOVE DATE ON THIS LETTER. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. Identify which FCD Letter you are appealing. Your letter of appeal must include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.

3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter brief and to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an original authorized signature on your letter of appeal.

Please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Appeals submitted by fax, phone call, and e-mail CANNOT be processed. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445-12th Street SW, Room TW-A325, Washington, DC 20554. Further information regarding filing an appeal directly with the FCC can be found in the "How to Apply, Step-by-Step" area of the SLD web site www.sl.universalservice.org.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Federal Communications Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or Service Provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries through advanced telecommunications services.

Sincerely,

Kate L. Moore
President, Schools and Libraries Division, USAC

Enclosures

FUNDING COMMITMENT REPORT

Form 471 Application Number: 197972

Funding Request Number: 429613 Funding Status: Not Funded
SPIN: 143002532 Service Provider Name: Hot Springs Tel. Co.
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 147639
Billing Account Number: 1-406-741-3491
Pre-Discount Amount: \$277.20
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: 429614 Funding Status: Not Funded
SPIN: 143002532 Service Provider Name: Hot Springs Tel. Co.
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 147639
Billing Account Number: 1-406-741-3491
Pre-Discount Amount: \$140.76
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: 429615 Funding Status: Not Funded
SPIN: 143002532 Service Provider Name: Hot Springs Tel. Co.
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 147639
Billing Account Number: 1-406-741-3491
Pre-Discount Amount: \$831.60
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: 429616 Funding Status: Not Funded
SPIN: 143002532 Service Provider Name: Hot Springs Tel. Co.
Contract Number: MTM
Services Ordered: Internet Access
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 147639
Billing Account Number: 1-406-741-3491
Pre-Discount Amount: \$179.40
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: 197972

Funding Request Number: 429617 Funding Status: Not Funded
SPIN: 143002532 Service Provider Name: Hot Springs Tel. Co.
Contract Number: MTM
Services Ordered: Internet Access
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 147639
Billing Account Number: 1-406-741-3491
Pre-Discount Amount: \$1,198.80
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.

*W/ discount
2023.38*

4

June 28, 2000

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

RECEIVED

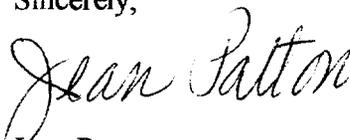
APR - 6 2001

FCC MAIL ROOM

Name: Preston Town County Library
Address: 203 East Main (Box 850)
Telephone: 1-406-741-3491
Fax: 1-406-741-3491
E-Mail: hslibrar@hotsprgs.net
471 Application #: 197972
Billed Entity #: 147639
FRN #s: 429613, 429614, 429615, 429616, 429617

As you can see from our Receipt for Certified Mail from our local post office, the form 471 was not sent until January 10, 2000. This was the first day of the time period for this form. We are a town of less than 500 people and our budget is very sad. We depend on this money for services. Please reconsider this decision.

Sincerely,



Jean Patton
Director, Preston Town County Library

5



Universal Service Administrative Company
Schools & Libraries Division

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

March 16, 2001

Jean Patton
Preston Town County Library
203 East Main (Box 850)
Hot Springs, MT 59845

RECEIVED
APR - 6 2001
FCC MAIL ROOM

Re: Billed Entity Number: 147639
471 Application Number: 197972
Funding Request Number(s): 429613, 429614, 429615, 429616, and 429617
Your Correspondence Dated: June 28, 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 Numbers: 429613, 429614, 429615, 429616, and 429617
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter states you have a Receipt for Certified Mail showing your Form 471 was not sent until Jan 10, 2000.
- However, you signed your Form 471 on 1/6/2000, prior to the expiration of the 28-day posting period. Your Form 470 (Application Number: 547930000272422) was posted on 12/13/1999. 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 1/10/2000. 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.

- 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