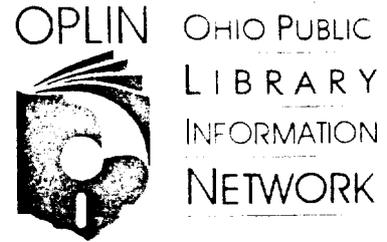


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APR 18 2001
FCC MAIL ROOM



1320 Arthur E. Adams Dr., 1st Floor
Columbus, Ohio 43221
Phone: (614) 728-5252
Fax: (614) 728-5256

April 11, 2001

DOCKET FILE COPY ORIGINAL

To: Federal Communications Commission

In the matter of:

**Request for Review by the Ohio Public Library Information Network
of Decision of Universal Service Administrator**

FCC Docket Nos. 97-21 and 96-45 /

For:	Funding Request Number	399128
	Billed entity Number	148487
	471 Application number:	165640

In the matter of our initial appeal dated October 10, 2000 we received the attached letter indicating that the appeal had been **denied in full**.

We specifically dispute their findings as follows:

- The second bullet incorrectly describes the services we listed as telecommunications as including internal connections. The services listed in Attachment 1 for that funding request (Service Provider is the State of Ohio Department of Administrative Services, DAS) does list some equipment. This equipment all belongs to DAS, is maintained by DAS and is necessary to provide Internet access. A letter from Ms. Denise Freshly from the Department of Administrative Services verifying that fact is attached.
- The second bullet also indicates that the routers are owned by the libraries, which is incorrect. All the Routers in question are owned by DAS, and maintained under contract for the Ohio Public Library Information Network. Again I refer to Ms. Freshly's letter.
- The second bullet also indicates that "This ownership was verified by Jahn Jones, Administrative Coordinator, in a telephone contact on August 31, 2000." A letter from Ms. Jones dated August 28 is in our file. To the best of her memory it is in response to the only requests

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we received from SLD and as you can see it does not indicate library ownership. She does recall being asked what DAS does for us, but, since she is well aware that neither we nor the local libraries own the routers in question, would never had said that they were owned by libraries.

- The third bullet indicates that on our Form 471 Block 5 (copy attached) we request “priority one services.” I am unable to find the words “priority one,” anywhere on Block 5. As you can see we, accurately, requested funds for Internet Access.
- The final bullet is a lengthy description of funding levels and the decision of SLD not to fund internal connections. Since our request was not for internal connections, and since SLD inaccurately re-categorized our request to reflect internal connections, this is irrelevant.
- Please also note that OPLIN’s policy is that we provide only Wide-area services. We do not provide internal connections of any kind and indeed, hold the libraries we serve responsible for all internal connections.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Lynn Roddy". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carol Lynn Roddy
Executive Director

Ohio Department of Administrative Services
Bob Taft, *Governor*
Scott Johnson, *Director*

Office of Telecommunications
30 E. Broad Street
Suite 720
Columbus, Ohio 43215

614 466.7177 voice
614 466.8159 fax
www.state.oh.us/telecom



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APR 18 2001

FCC MAIL ROOM

April 10, 2001

To: Federal Communications Commission

In the matter of:

Request for Review by the Ohio Public Library Information Network of Decision of Universal Service Administrator for Service Provider State of Ohio Department of Administrative Services, SPIN 143003831.

FCC Docket Nos. 97-21 and 96-45

I am writing this letter in reference to The Ohio Public Library Information Network's (OPLIN) denial of their funding request #399128. I am the E-Rate Administrator for the state of Ohio and am responsible for authorizing all E-Rate requests. The state of Ohio is the service provider for the Internet Access Services provided to OPLIN under this funding request. They have been funded in the previous years for this service correctly. However, in Year 3, their request was changed by the Schools and Libraries Division (SLD) from internet access to internal connections. The reason stated was that the routers were owned by the libraries. ***This is not true. The state of Ohio retains ownership of those routers and only provides them to the libraries for purposes of subscribing to the internet access the State provides. When a library discontinues their internet access service with the State, the State removes the router.***

I would like to add that we have reviewed the decision rendered as a result of the FCC Order (FCC 99-216) that established guidelines for determining when facilities are to be considered internal connections versus internet access. ("In the Matter of Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator on Application No. 18132." CC Docket Nos. 96-45 & 97-21). It reads as follows:

"To be considered part of end-to-end Internet access, equipment to be located on the school or library property should:

Be owned by the Internet Service Provider with no plans to transfer ownership to the school/library in the future

Not be used by the school/library for any purpose other than the provision of Internet access,

Be serviced and maintained by the service provider; and
Generally be paid for by the school or library (or other applicant) over time as service is consumed."

OPLIN's routers are in compliance with all of these parameters and should therefore be considered internet access.

We request that you please review OPLIN's appeal and find in their favor. Thank you.

Sincerely

R. Denise Freshly
Contract Services Manager



August 28, 2000

Dear Ms. Long,

During the process of applying for the year three Erate, there was some difficulty entering the correct date into the web form. Therefore, I notified someone at your 800 number and was told that they did not know why we were receiving an error message every time the correct date was entered and to just enter a date that the online form would take. I was also told that if there was a problem with this information that we would be notified. However, the USCN number for Funding request numbers 399128 and 399293 is 843130000023540.

If you need any further information please contact me at (614) 728-5252.

Thank you,

Jahn N. Jones
Administrative Coordinator

HOME CANCEL HELP

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: Jahn
Contact Person: Jahn Jones

Entity Number: 148487
Phone Number: (614) 728-5252

Block 5 Maximum Funding Requested

Funding Request Number(FRN): 399128 (assigned by Administrator)

1. Category of Service (only ONE category should be checked)
 Telecommunications Service Internet Access Internal Connections

2. Form 471 Application Number (5 digits)	145030000129133
3. SPIN Service Provider Identification Number (9 digits)	143003831
4. Service Provider Name	State of Ohio Department of Administrative Services
5. Contract Number (if available, use FF if parceled services, MFEV if month-to-month contract. See Help file for more details)	98-GOSIP-01
6. Billing Account Number (e.g. billed telephone number)	
7. Allowable Contract Date (from Form 471 referenced in #2 above)	02/02/1999
8. Contract Award Date (mm/dd/yyyy)	02/02/1999
9. Service Start Date (mm/dd/yyyy)	02/02/1999
10. Contract Expiration Date (mm/dd/yyyy)	01/31/2001

21. Description of This Service: You MUST forward a description of this service on paper, including a breakdown of components and costs, plus any relevant brand names. Label this paper description with an Attachment # and note number here.
Attachment # 1

22. Entity/Entities Receiving This Service:
If the service is site-specific (provided to one site and not shared by others), select the Entity Number of the entity from Block 5 receiving this service. 148487 - 58% - The Ohio Public Library 7
If the service is shared by all counties or a Block 5 workforce, enter the worksheet number.

1. [Redacted]

2. [Redacted]

3. [Redacted]

4. [Redacted]

[Redacted]

[Redacted]

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Schools and Libraries Division

Attachment 1 State of Ohio DAS

Unbundled Internet
Access Services
260 26000 per month

Network Services and
Access
230 35000 per month

NW Equip
Connection/Router
230 9500 per month

NW Equip Hub
Connection
230 3500 per month

NW Equip CSU/DSU
260 7000 per month

Current Total Monthly Charge
\$79,113

Current Total Annual Charge
\$949,356

Expected Total Monthly Charge FY2001
\$85,000

Expected Total Annual Charge 2000-2001
\$1,020,000

One time charge for router upgrades for sake of Year2000 Compliance
\$133,800



Universal Service Administrative Company
Schools & Libraries Division

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

March 27, 2001

Carol Lynn Roddy
The Ohio Public Library Information Network
1320 Arthur E. Adams Drive, First Floor
Columbus, OH 43221

Re: Billed Entity Number: 148487
471 Application Number: 165640
Funding Request Number(s): 399128
Your Correspondence Dated: October 10, 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: 399128
Decision on Appeal: **Denied in full**
Explanation:

- Your letter appeals the funding denial decision on this FRN. The service category was changed from Internet Access to internal connections and you claim these services are not internal connections.
- The services you listed as telecommunications/Internet access on your Form 471 included some internal connections services; upgrades to routers owned by the libraries. This ownership was verified by Jahn Jones, Administrative Coordinator, in a telephone contact on August 31, 2000.
- Since your Form 471 included some internal connections services within your Block 5 request for priority one services, your Form 471 request has been recategorized as a request for internal connections services. For Funding Year Three, there are not

sufficient funds to provide internal connections discounts to applicants at your discount rate. Your requested discount is 53%. Consequently, SLD denies your appeal because there is insufficient funding for Funding Year Three to provide discounts for internal connections requests to applicants that are below the 82% shared discount level.

- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for telecommunications services and Internet access. *See* 47 C.F.R. §54.507(g)(1)(i). FCC rules further require that requests for internal connections be given second priority, and be funded only if funds remain after support has been provided for telecommunications and Internet access through all discount levels in a funding year. *See* 47 C.F.R. § 54.507(g)(1)(ii). Where demand for discounts for internal connections exceeds available support, FCC rules require funding be awarded first to applicants eligible for a ninety percent discount level, and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. § 54.507(g)(1)(iii). Program procedures further require that funding requests for telecommunications/Internet access services that include internal connections services be recategorized as internal connections services to prevent priority two services (internal connections) being treated as priority one services (telecommunications and Internet access services) for funding decisions.

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