

MONROE COUNTY LIBRARY SYSTEM  
ROCHESTER PUBLIC LIBRARY  
115 SOUTH AVENUE  
ROCHESTER, NEW YORK 14604

RECEIVED

MAY - 2 2001

FCC MAIL ROOM

TO: Office of the Secretary, Federal Communications Commission

FROM: Richard Panz, Library Director

DATE: May 1, 2000

RE: USAC-SLD Appeal Decision Review: Funding Request #304074

Reference: CC Docket Nos. 96-45 and 97-21

Billed Entity Number: 124985

471 Application Number: 156399

Funding Request Number: 304074

We would like further examination of the USAC-SLD denial of our appeal for funding of the Library's PBX System based on the following:

The original lease was established prior to the e-rate program. The language of that lease used the term "telephones" to describe the maintenance charge per port. PBX port maintenance costs are clearly eligible for services. We did not feel it was necessary to re-write the lease agreement to incorporate different language. Enclosed is a copy of the quarterly maintenance bill along with a letter of explanation from the vendor and the appeal letter from the SLC. Feel free to contact the Library Finance Officer, Kevin Loughran (716-428-8056) in you need additional information. Thank you for your assistance on this matter.

Sincerely,

  
Richard Panz, Director  
Rochester Public Library

xc. K. Loughran

No. of Copies rec'd 3  
List A B C D E



Universal Service Administrative Company  
Schools & Libraries Division

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

April 2, 2001

Paula Smith  
Rochester Public Library  
115 South Ave.  
Rochester, NY 14604

**RECEIVED**

MAY - 2 2001

**FCC MAIL ROOM**

Re: Billed Entity Number: 124985  
471 Application Number: 156399  
Funding Request Number(s): 304074  
Your Correspondence Dated: May 4 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: 304074  
Decision on Appeal: **Denied in full**  
Explanation:

- Your letter of appeal states that you did not include the maintenance costs for telephones and believes that the basis for denial is not a valid one.

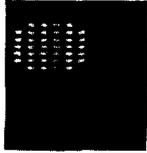
Your Form 471 application included costs for the following ineligible services: Maintenance on phones. According to the original lease agreement there is a request for maintenance service on the control unit, phones, ACD phones, Voice Mail and Call Accounting system and maintenance charges on the phone system. FCC rules provide that discounts may be approved only for eligible services. See 47 C.F.R. §§ 54.502, 54.503. The USAC website contains a list of eligible services. See USAC website, <http://www.universalservice.org>, Eligible Services List. Program procedures provide that if 30% or more of an applicant's funding request includes ineligible services, the funding request must be denied. 34% of your funding request was for ineligible services. Therefore, your funding request was denied. You did not demonstrate in your appeal that

your request included less than 30% for ineligible services. Consequently, SLD denies your appeal.

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 12<sup>th</sup> 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](http://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.**

You should now move ahead, if you haven't already done so, with your Form 486 and related post-commitment arrangements for any services for which funds have been committed and where services have begun to flow. We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



**RONCO**

**Communications & Electronics, Inc.**

**230 METRO PARK / ROCHESTER, NEW YORK 14623**

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March 12, 2001

Kevin Loughran  
Rochester Library

Dear Kevin:

Per your request, please find below the explanation for your Maintenance Bill:

1. PBX Maintenance is based on a per port charge of \$2.00. RPL currently has 441 ports @ \$2.00 per month - \$882.00 per month; \$10,584.00 per year.
2. Battery – Bars is \$480.00 per year.
3. Adds, moves and changes average is \$3,000.00 per year.
4. Octel Voice Mail is \$1,200.00 per quarter; \$4,800.00 per year.

Please contact me at 272-2468 with any questions or concerns.

Sincerely,

Ron Hendrick  
Account Executive

RH/mj

MONROE COUNTY LIBRARY SYSTEM  
ROCHESTER PUBLIC LIBRARY  
115 SOUTH AVENUE  
ROCHESTER, NEW YORK 14604

TO: Tom Gill, Schools and Libraries Division

FROM: Kevin Loughran, RPL Finance Office

DATE: March 9, 2001

RE: FRN 304074: PBX Maintenance Expense Breakdown

Per our conversation yesterday, enclosed is a copy of the quarterly maintenance bill for our PBX System. The charge for the e-rate ineligible voice mail is broken out separately at \$400 per month, \$1,200 per quarter. This bill does not include projected yearly costs of adds, moves and changes which we use on an as-needed basis.

In the E-rate application, I assumed the total cost of the PBX System, with voice mail, and the adds, moves, and changes would be \$20,000 for the year. I backed out the voice mail portion (\$400 per month) to come up with the E-rate eligible amount. We will use actual costs for the adds, moves, and changes on our BEAR submissions. If you need additional information, feel free to give me a call at 716-428-8056. Thanks for your assistance on this matter.

Xc. L. Gallagher

INVOICE NO.	CUSTOMER NO.	JOB NAME
30189988	100929	

**MAKE CHECKS PAYABLE TO:**

**Ronco**  
P.O. Box 8000 Dept. 410  
Buffalo, New York 14267  
(716) 873 - 0760

SHIP TO  
  
SOLD TO

716-424-1460

INVOICE DATE	DUE DATE
10/01/00	10/11/00

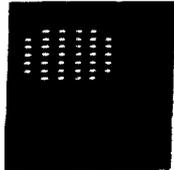
MONROE COUNTY RUNDLELL LIBRARY  
115 SOUTH AVENUE  
ATTN LAINE WILLIAMS  
ROCHESTER, NY 14604

**AMOUNT PAID**

AMOUNT DUE	TERMS	PAGE
\$ 3,960.00	NET 10	1

↑ TEAR AT PERFORATION AND RETURN UPPER PORTION WITH PAYMENT ↑

REMIT TO:



**Ronco**  
P.O. Box 8000 Dept. 410  
Buffalo, New York 14267  
(716) 873 - 0760

716-873-0760

**AGREEMENT AND CONDITIONS OF SALE**

**RETURNS:** Merchandise to be returned must have Ronco's return authorization number. Returns may be subject to a re-stocking charge of up to 20%.

**CLAIMS:** Claims for loss or damage in shipment must be made to the carrier by the Customer. All others must be made to Ronco within 5 days of receipt of goods.

**PRICES:** All orders will be billed at prices in effect at the time of delivery.

INVOICE NO.	INVOICE DATE	CUSTOMER NO.	RONCO ORDER NO.	PURCHASE ORDER NO.	SHIP V.A.	SHIP DATE
30189988	10/01/00	100929	TRWJ	Maintenance		

ORDERED	DUE	SHIPPED	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
100929	AA RU	NDELL	LIBRARY 115 SOUTH AVENUE ROCHESTER, NY 146		04	
	System	m:	VM OCT VM OCT 200	3 mo(s) from 10/00		
		16	MAINT.PORT-VM3	1MO/1PORT VOICE MAIL	25.00	1,200.00
	System	m:	SW NTI SW NTI OPTION 6	3 mo(s) from 10/00		
		440	MAINT.PORT-TEL/PBX	1MO/1PORT TEL.PBX SY	2.00	2,640.00
	System	m:	PE XXX PE XXX BATTERY	3 mo(s) from 10/00		
		1	MAINT.UPS LEVEL 2	1MO/ 1.5-2.9KVA UPS	20.00	60.00
	System	m:	AP TLT AP TLT RWATCH S	3 mo(s) from 10/00		
		1	BARS NXX/NPA CONTRACT	ANNUAL BARS UPDATE M	20.00	60.00

Total for site: 100929AA 3,960.00

Subtotal: 3,960.00

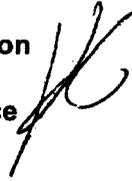
*OK for*

**PAY THIS AMOUNT \$ 3,960.00**

MONROE COUNTY LIBRARY SYSTEM  
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ROCHESTER, NEW YORK 14604

TO: Tom Gill, Schools and Libraries Division

FROM: Kevin Loughran, RPL Finance Office



DATE: March 9, 2001

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Xc. L. Gallagher



**Director's Office**

**Rochester Public Library ♦ Monroe County Library System**

115 South Avenue ♦ Rochester, New York 14604

Voice: (716) 428-8045 ♦ Fax: 428-8353 ♦ e-mail: rpanz@mcls.rochester.lib.ny.us

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**TO: Schools and Libraries Division: USAC**

**FROM: Richard Panz, Director**

A handwritten signature in black ink, appearing to read "Richard Panz", written over the printed name.

**DATE: May 4, 2000**

**RE: Letter of Appeal**

**APPLICANT NAME: ROCHESTER PUBLIC LIBRARY**

**FORM 471 APPLICATION NUMBER: 156399**

**BILLED ENTITY NUMBER: 124985**

**FUNDING REQUEST NUMBER: 304074**

We would like to appeal the denial of our application for E-rate funding for the maintenance of our PBX System. The decision noted that "30% or more of this FRN includes a request for maintenance of phones which is an ineligible product(s)/ service (s) based on program rules." In our 471 application, we did not include the maintenance costs for telephones and therefore, we believe that the basis for denial is invalid. If you need additional information regarding this feel free to contact the Library Finance Director, Kevin Loughran, 115 South Ave., Rochester, NY 14604.

Phone: 716-428-8056

E-mail: [kloughra@mcls.rochester.lib.ny.us](mailto:kloughra@mcls.rochester.lib.ny.us)

Xc. K. Loughran  
P. Smith



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

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

*Revised P&B rejected  
Appealed. 5-4-00*

SCHOOLS AND LIBRARIES DIVISION

FUNDING COMMITMENT DECISION LETTER  
(Funding Year 3: 07/01/2000 - 06/30/2001)

April 14, 2000

ROCHESTER PUBLIC LIBRARY  
Paula Smith  
115 SOUTH AVE  
ROCHESTER, NY 14604-1896

Re: Form 471 Application Number: 156399  
Funding Year 3: 07/01/2000 - 06/30/2001  
Billed Entity Number: 124985

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](http://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](http://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

## A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each E-rate funding request from your application. We are providing the following definitions.

- \* **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.
- \* **FUNDING STATUS:** Each FRN will have one of three definitions: "Funded," "Not Funded," or "As Yet Unfunded."
  1. An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
  2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules or, that the total amount of funds in the Universal Service Fund was insufficient to fund all requests.
  3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both telecommunications services and internal connections, you might receive a letter with our funding commitment for your telecommunications funding requests and a message that your internal connections requests are "As Yet Unfunded." You would receive a subsequent letter(s) regarding the funding decision on your internal connections requests.
- \* **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs. A SPIN is also used to verify delivery of services and to arrange for payment.
- \* **SERVICE PROVIDER NAME:** The legal name of the service provider.
- \* **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- \* **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- \* **EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date of service for which the SLD will reimburse service providers for the discounts on the service. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- \* **CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.
- \* **SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.
- \* **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.
- \* **PRE-DISCOUNT AMOUNT:** Amount in Block 5, Item 23, Column I, Form 471, as determined through the application review process.
- \* **DISCOUNT PERCENTAGE APPROVED BY THE SLD:** This is the discount rate that the SLD has approved for this service.
- \* **FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the

SLD has reserved to reimburse service providers for the approved discounts for this service through June 30, 2001. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

- \* FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 156399

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—  
Funding Request Number: 304074      Funding Status: Not Funded  
SPIN: 143005886      Service Provider Name: Ronco Communication & Electronics, Inc.  
Contract Number: 022764  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/2000  
Contract Expiration Date: 11/01/2005  
Site Identifier: 124985  
Billing Account Number: 100929  
Pre-Discount Amount: \$15,204.00  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Inel. svcs./ or product(s)  
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request  
for MAINTENANCE ON PHONES which is an ineligible product(s)/service(s) based on  
program rules.