

PROVISO TOWNSHIP HIGH SCHOOLS
District No. 209 - Cook County

WILLIAM KRAUSE
ASSISTANT SUPERINTENDENT
FOR TECHNOLOGY AND OPERATIONS



807 South First Avenue
Maywood, Illinois 60153

Telephone: (708) 344-7000
FAX: (708) 344-2414

RECEIVED

JUL 26 2001

FCC MAIL ROOM

In the Matter of:

Request for Review by the
Proviso Township High School
District 209 of the Decision
Of the Universal Service Administrator
Form 471 Certification – Rejection Letter
Funding Year 4

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

Applicant: Proviso Township High School District #209
Billed Entity Number: 135429
471 Application Number: 240226

Summary

We respectfully ask the Federal Communications Commission (FCC) to review the decision of the Universal Service Administrator for the Funding year 4 – Form 471 Certification – Rejection Letter, dated February 16, 2001 and a follow-up postcard, dated July 13, 2001, whereby the Schools and Libraries Division (SLD) of the USAC has (a) denied our application due to an alleged use of a copy, stamp or blank signature on the original Form 471, then (b) deems our follow-up 471 to have been submitted outside of the window. In brief, the applicant (Proviso) vehemently denies that the original form in question was “a copy, stamp, or blank signature” but instead was an original signature in black ink. Without this first erroneous and arbitrary decision on the part of the SLD on the original Form 471 submitted within the window, the second follow-up 471 would not have been filed, and as a result, not received out of the window.

We respectfully ask that the FCC review the evidence presented in this case and review the SLD’s original decision in this matter, and allow the original Form 471 to be treated as properly filed on 01/18/01, per the Return Receipt Proof attached herein.

Statement of the Case

- The Proviso Township High School District #209 (Proviso or applicant) submitted its original Form 471 on-line on Friday, January 12, 2001 per the attached copies herein. (Attachment A). The Block 6: Certifications and Signature page was originally signed in black ink and sent to the SLD- Form 471 Center in Lawrence, Kansas per the directions. A Domestic Return Receipt dated January 18, 2001 was returned to Proviso, (Attachment B) and is also attached here as proof of receipt.
- On February 16, 2001 the USAC/SLD then sent a letter to Proviso stating a Form 471 Certification – Rejection Letter, stating that the “Form 471 does not contain an original signature. The signature in Block 6, Item 36 is a copy, stamp, or blank.” This letter is attached as Attachment C.

- The Certification – Rejection Letter asks the applicant to “Act now to resubmit!”, which the applicant did, sending in another 471 signature page, even though the applicant firmly states here – and back then to customer service representatives – that the initial 471 contained an original signature. A copy of this re-submitted 471 signature page was submitted, attached here as Attachment D. This one was also submitted in black ink.
- On July 13, 2001 the USAC/SLD sent Proviso a postcard notification. (Attachment C) saying that Form 471 was submitted after the window had closed, thus relegating the entire application to “ out of window” status, with very little, if any hope that the application will be considered for funding.
- Proviso is disturbed by the events here, namely the “no win” situation they have been placed in. We submit that the original Form 471 contained an original signature, and offer as additional proof the following evidence: our copy of the original Block 6 Form 471 dated January 12, 2001 from the internet file which was mailed on January 16, 2001.

Proviso cannot easily dismiss the initial error by the USAC/SLD in determining that the signature on the original Form 471 was a copy, stamp or other facsimile. Nowhere do we know is a signature in black ink less valid than one in blue, red, or other colors. An original signature is just that, regardless of the color of the pen.

Finally, we submit that any ruling that invalidates this appeal on a time limit from the original Certification-Rejection letter is also arbitrary. Namely, the ultimate effect of that Certification-Rejection letter was not known to Proviso until the “Out of Window” notification was received on July 17, 2001. Proviso assumed – with justification – that the notion to “Act now to resubmit!”, gave them the impression that submitting another Form 471, even though we insist the first Form 471 contained a valid, original signature was enough to move the process along.

Also, we submit that this was the fourth year that Proviso had applied for the E-Rate program and received monies for eligible services in the previous three years. All of the previous Form 471 applications were also signed in black ink, and there was never a question as to the authenticity. We submit that the original decision on this was indeed, arbitrary.

We respectfully ask that the Commission consider a Waiver of the Rules and allow the Proviso Township High School District #209 to have their original Form 471 application treated as within the window. This appeal is consistent with the evidence presented, and in accord with the Program Rules, which do not, in our reading, invalidate a signature based on the color of the ink.

Please do not hesitate to call us if there are any questions surrounding this Appeal.

Contact person:

Proviso Township High School District, #209
Bill Krause – Assistant Superintendent
807 So. First Avenue
Maywood, IL 60153-2307
(708) 202-3016

Sincerely



William R. Krause
Assistant Superintendent For
Technology and Operations

HOME CANCEL HELP

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: 7.01.01/A

Entity Number: 135429

Contact Person: Bill Krause

Phone Number: (708) 344-7000 Ext. 200

Block 6: Certifications and Signature

Do not write in this area

ATTACHMENT A

PAGE 1

471 Application Number: 240226

24. The entities listed in Block 4 of this application are eligible for support because they are: (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 school (including, but not limited to) elementary and secondary schools, colleges and universities

25. The eligible schools and libraries listed in Block 4 of this application 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 schools and libraries or library consortia listed in Block 4 of this application 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 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; and/or
- b. technology plan(s) will be approved by a state or other authorized body; or
- 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 procurements 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. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named institution, 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 of authorized person	<i>Bill Krause</i>	35. Date	<i>1/16/01</i>
36. Printed name of authorized person	Bill Krause		
37. Title or position of authorized person	Assistant Superintendent		
38. Telephone number of authorized person	(708) 344-7000 x 200		

471 Application Number: 240226
 PROVISO TWP HIGH SCH DIST 209
 807 S 1ST AVE
 MAYWOOD, IL 60153 -2307

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. The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

ATTACHMENT A
 PAGE 2

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communication Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to:
SLD - Form 471
P.O. Box 7026
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD - Form 471
C/O Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046
(888) 203-8100

ATTACHMENT A
PAGE 3

[Return to SLD Home Page](#)

Copyright 1997-2000
Schools and Libraries Division

ATTACHMENT B

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SLD - FORM 471
c/o Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046

A. Received by James Pearson Agent of OK

Signature James Pearson Agent Agent Addressee

Is delivery address different from item 1? Yes
If YES, write delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail COD

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

2 152 722 472

PS Form 3811, July 1999

Domestic Return Receipt

10286-02-00-1759

Proof of News Submitted
on Time



ATTACHMENT C



Universal Service Administrative Company
Schools & Libraries Division

**FORM 471 CERTIFICATION-REJECTION LETTER
FUNDING YEAR 4**

February 16, 2001

Applicant Form Identifier: 7.01.01/A
Funding Year: 4

BILL KRAUSE
PROVISO TWP HIGH SCH DIST 209
807 S 1ST AVE
MAYWOOD, IL 60153-2307

Dear Applicant:

This letter is your notification that the entire FCC Form 471 Certification of the Services Ordered and Certification Form, you submitted did not meet Minimum Processing Standards and so your Form 471 application cannot be processed. Act now to resubmit!

Your Form 471 Certification is enclosed with this letter, which means that the Schools and Libraries Division (SLD) could not process any portion of it. To be considered for E-rate discounts, your certification must be corrected and resubmitted with the Item 21 Attachments with a postmark date no later than January 18, 2001. The newly submitted Block 6 Form must also meet Minimum Processing Standards.

Here is an explanation of the specific reason(s) your Form 471 Certification did not meet the Minimum Processing Standards:

- The Form 471 Certification submitted does not contain an original signature. The signature in Block 6, Item 36 is a copy, stamp or blank.

We encourage you to respond to this letter as soon as you are able, by resubmitting a corrected Form 471 Certification. We also encourage you to visit the SLD Web Site if you have Internet access, at www.sl.universalservice.org. The Web Site provides Minimum Processing Standards, forms, and guidance to complete your Form 471 Certification. Additional assistance is available by calling the Client Service Bureau at 1-888-203-8100 and by e-mail at question@universalservice.org. Client Service Representatives are available from 8:00 a.m. to 8:00 p.m. EST, Monday through Friday.

If you disagree with this decision and you wish to appeal to the SLD, your appeal must be made in writing and received by us within 30 days of issuance of this letter. In your letter of appeal, please include: correct contact information for the appellant, information on the decision you are appealing, the specific item in question, a copy of this letter and an original authorized signature. Appeals sent by fax, e-mail or phone call cannot be processed. Please mail your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125-Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. You may also call our Client Service Bureau at 888-203-8100. 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), by sending your notice of appeal to: FCC, Office of the Secretary, 445 12th Street, SW; 12th Street Lobby, SW; Washington, D.C. 20554

P.O. Box 7026, 3833 Greenway Dr., Lawrence, KS 66044-7026
Visit us online at: <http://www.universalservice.org>

PROVISO TWP HIGH SCHOOLS

07/18/01 WED 10:09 FAX 7083442414

Do not write in this area

Entity Number _____

Applicant's Form Identifier _____

Block 6: Certifications and Signature

- 24 The entities listed in Block 4 of this application are eligible for support because they are: (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 1988 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 eligible schools and libraries listed in Block 4 of this application 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.
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- 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. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

ATTACHMENT D
PAGE 1

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 of authorized person	<i>William R. Spive</i>	35 Date	<i>2/20/01</i>
36 Printed name of authorized person	<i>William R. Spive</i>		
37 Title or position of authorized person	<i>Assistant Superintendent</i>		
38 Telephone number of authorized person	<i>(202) 344 7220 ext. 200</i>		

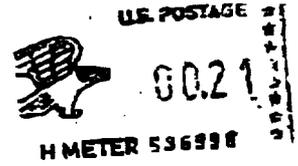
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 602, 603(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001. The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may have obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

ATTACHMENT D - PAGE 2

ATTACHMENT
E



Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



Bill Krause
PROVISO TWP HIGH SCH DIST 209
807 S 1ST AVE
MAYWOOD, IL
60153-2307

ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: 7.01.01/A

MAILING DATE:
JULY 13, 2001



**YOUR FORM 471 HAS BEEN RECEIVED -
BUT AFTER THE JANUARY 18 WINDOW CLOSED**

We're sending this card to thank you for your recent Form 471 application but to let you know that your application was received by the Schools and Libraries Division/USAC after the 2001-2002 filing window closed at 11:59 p.m. ET on January 18, 2001.

We are holding your application pending final processing of those applications which were received within the filing window. It has not yet been determined whether late-filed Form 471 applications will be considered for discount funding.

For more information about the processing of 2001-2002 applications, or about plans for the 2002-2003 application process, please visit our web site at www.sl.universalservice.org.

School and Libraries Division
Universal Service Administrative Company