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Department of Administration
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Department of Administration

InterTechnologies Group
Room 510

658 Cedar Street
St. Paul, MN 55155
651.296.8888
Fax: 651.297.5368
TTY: 661.2963931

February 13, 2003

Letter of Appeal, FCC
Office of the Secretary
445 12 Street SW
Washington DC 20554

Sent via Fax

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

This letter is an appeal on a funding decision by the SLD, Denied in Full, for Funding Request Number: 685685

The SLD Decision on Appeal letter is attached with details. The letter states that the State of Minnesota Telecommunications office was contacted on April 11, 2002 and given an opportunity to provide the requested technology plan. That is indeed the case.

We then faxed the approval letter for the technology plan to Jose Diaz at the SLD. A cover sheet with the fax confirmation sheet is attached to this letter. The denial letter states, "...no response was received in a timely manner..." and therefore the SLD denied the request. Our attachment proves that the request was met in a timely manner, namely, the same day Mr. Diaz requested the information.

We respectfully request that the FCC reconsider the denial of funding by the SLD. Thank you.

Contact persons:

Primary

Judy Vickerman
Address (see letterhead)
651.282.5669 (voice)
651.297.5368 (fax)
judy.vickerman@state.mn.us

Backup

Kathleen Johnson
Address (see letterhead)
651.297.4784 (voice)
651.297.5368 (fax)
kathleen.e.johnson@state.mn.us

Yours truly,

Kathleen E. Johnson
Product Manager-Enhanced Voice Services

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

December 16, 2002

Judy Vickerman
Inter Technologies Group, Room 510
Statu of Minn Admin Telcom.
658 Cedar Street
St. Paul, MN 55155

Re: Billed Entity Number: 151067
471 Application Number: 255133
Funding Request Number(s): 685685
Your Correspondence Dated: January 22, 2002

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 Four 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 60-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: 685685
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal states that, "the State of Minnesota Department of Administration believes that the technology plan has been submitted and/or approved". You would like the SLD to provide discounts for this funding request because the SLD's requirement that this entity have an approved technology plan was met.
- According to the information that you submitted as Item #21 attachment, this request is for Centrex services. In accordance with program rules, this type of service is eligible for e-rate discount as a non-basic telephone service and require that the entity receiving the services to have a technology plan. On the Form 471, you checked Item 26c, indicating that there are no technology plans and you were only applying for basic local and long distance telephone services. During your Form 471's review process, you were contacted and requested to submit a "Technology Approval Letter" indicating that a technology plan for this entity was in place. According to an email

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from Mary Mehsikomer, dated 11/1/01, Pipestone-Jasper Independent School District #2689 did not have a technology plan on file with her agency. On 4/11/02, you were contacted again and given an opportunity to provide the requested technology plan. Since no response was received in a timely manner, consequently, SLD denies this appeal for failing to prove that a technology plan had been approved or was in the process of being approved.

- Your Form 471 requested funding for services other than basic local and long distance telephone service. FCC rules require applicants to certify that the entities receiving services other than basic telephone service are covered by an individual and/or higher level technology plan, and that the technology plan has been, or is in the process of being approved. See 47 C.F.R. § 54.504(b)(2)(vii); FCC Form 471, Block 6, Item 26, 27.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the PCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

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