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805 Humboldt Avenue
Chowchilla, CA 93610
☎ (559) 665-1331
Fax (559) 665-4659

CC Docket Nos. 96-45 and 97-21

March 18, 2002

RECEIVED

MAR 19 2003

Federal Communications Commission
Office of the Secretary

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Dear Sirs:

RE: APPEAL OF USAC'S DENIAL OF APPEAL FOR

Billed Entity #: 144026
Funding Year 5
471 Appl. #: 286755

470 Appl. #: 912330000401271 &
470 Appl. #: 838810000401259
FRN #: 735132 & 735136

We respectfully request that your officer review the USAC's denial of the above. In reviewing their explanation's for the denial, it is evident to us that they did not consider all of their own information and the information presented to them in our letters of appeal as it was presented. We have enclosed a copy of their letter for your review as we address their explanations.

Explanation #1:

This information is correct. It is not a statement of something we "claim", it is absolute fact.

Explanation #2:

Our office staff member Barbara Walton was asked by the business manager to call to double check on the guidelines regarding the Form 470's. On October 29, 2001, at 8:50 am she talked with Jesse at the USAC/SLD toll free number regarding the Form 470's and was told that we DID NOT have to submit a Form 470. So following Jesses's lead we did not submit a Form 470 for the Nextel service.

However, we did receive a phone call from the reviewers of our Form 471 on December 14, 2001, During that phone call, (I believe it was from David Le and his supervisor), we were told "We have

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some bad news and some good news,” The “bad news” was that **our Form 471** for the Nextel Services could not be considered because we had not **filed** a Form 470. The “good news” **was** that we had just enough time to file the Form 470 and then re-submit our Form 471. We did just that, On December 14, 2001 we filed the Form 470, and things went **down hill from** here.

The following *is* an excerpt **from our** April 30, 2002 appeal letter **to** the USAC/SLD. A copy of the letter is **also** enclosed. This describes what happened during the filing process of our Form 470.

“We received a Funding Commitment Decision Letter dated April 24, 2002, (please see attached copy) which informed us that we would not be receiving funding for **our** Form 471 Application Number 286755 because a Form 470 was not filed. However, that is not the case.

We are resubmitting the enclosed signature page per our conversation with Sherry on 4/30/02 at 9:15 a.m., at the SLD Client Service Bureau; phone number 888-203-8100. She instructed us to resubmit **this** signature page and to line out the application #838810000401259 and to hand in write application #912330000401271.

You originally received this form on 12/18/01, (please see the attached copies). At the time **this** signature page was sent, **our** office did not notice **that** the application number was different from the previous application number, (912330000401271).

While the **Business** Manager was in the process of completing the Application #: 912330000401271 via the internet, she was kicked out of the SLD internet system and had to restart. **When** she went to restart **the** process for a second time, she clicked **on** the Continue/Incomplete **button**, and **was** allowed to continue processing the application that she thought was # 912330000401271. Evidently, a new number **was** assigned # 83881000040125 to the incomplete 470 application **and** we did not realize it.”

Explanation #3 and #4:

Most importantly, **we** did comply with **the** competitive bidding requirement by filing **our Form 470** application number 83881000040 1259/ 912330000401271.

Secondly, the service provided by Nextel is a one of a kind telecommunication service. Only Nextel can provide communication service and devices by which we can communicate amongst staff members via two-way radio/ cell phone/text messaging, by each of the appropriate staff members carrying just one unit each. Therefore, there would be no reason for any other company to bid.

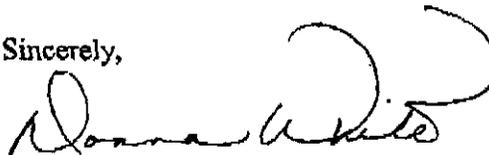
We would certainly be delighted if there was another company that could provide the **same** cell phone/two-way radio service provided by Nextel. It might encourage Nextel to clean up their act. At **this** point in time we find that Nextel still has the most expedient and efficient way to communicate within our District.

In closing I would ask that you review this appeal closely. Please note that the Nextel service that

we are requesting ERATE discounts for the *Year 5* are no different than the services that has been approved for ERATE discounts since ERATE *Year 2*. The application process for *Year 5* has simply gotten balled up in mis-information and instabilities of computer technology.

If you have any questions or concerns, please contact me via email at whited1@chowchillahigh.k12.ca by phone at (559)665-1331 Ext. 216, or by fax at (559) 665-4659.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna White". The signature is fluid and cursive, with a large loop at the end.

Donna White, Ed.D.
District Superintendent

DW/kk
Enclosures



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

March 6, 2003

Kate Knudson
Chowchilla Union ~~High~~ School District
805 Humboldt Avenue
Chowchilla, CA 93610

Re: Billed Entity Number: 144026
471 Application Number: 286755
Funding Request Number(s): 735132, 735136
Your Correspondence Dated: April 30, 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 2002 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: 735132, 735136
Decision on Appeal: Denied in full.
Explanation:

- In your letter of appeal you state the business manager was kicked out of the system while trying to file your FCC Form 470 on line and there was confusion when you were allowed to get back into the system. You also claim that the Client Services Bureau told you to submit the certified FCC Form 470 on April 30, 2002. According to the appeal letter you were advised to send in the FCC Form 470 you were working on and to cross out the old application number 838810000401259 and write the new one, 912330000401271, above it.
- During the review of your application, you were asked on December 14, 2001 if you posted an FCC Form 470 for Funding Year 2002. You responded there was no need to submit one because you were asking for funding for continuing telecommunication services. The services you requested on your Form 471 are month-to-month telecommunications services, which require a FCC Form 470 be

posted every year. The funding request was therefore denied since you referenced a **Funding Year 2001 Form 470** (Application Number **158480000325105**) for the services you were requesting. Please note that the new Form 470 information you sent along with appeal was not taken into consideration because the **new information on appeal is** inconsistent with information in the file used during **PIA** review.

- The Form 471 you submitted to SLD indicates that you are seeking support for **tariff** or month-to-month services. While these types of services may not be subject to a contract, they do need to be competitively bid for each **funding year**. Therefore, your Form 470 requesting support for these services should **have been** posted on the website. 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**.
- **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)**. 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)**. The only exceptions to the posting requirement are for: (1) contracts signed on or before July 10, 1997 for the life of the contract; (2) contracts signed between July 10, 1997 and before **January 30, 1998** (the date on which the website became operational) for services provided through June 30, 1999. See **47 C.F.R. § 54.511(c); Fifth Reconsideration Order, 13 FCC Rcd at 14916 ¶ 2, and 14920 ¶ 8 (extending Year One funding period through June 30, 1999)**.

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 FCC 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.univexsalserce.org.

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

Schools and Libraries Division
Universal Service Administrative Company



805 Humboldt Avenue
Chowchilla, CA 93610
☎ (559) 665-1331
Fax (559) 665-4659

4/30/02

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

To **Whom** It May Concern:

RE: APPEAL LETTER REGARDING

Billed Entity #: 144026
Funding Year 5
471 Appl. #: 286755

470 Appl. #: 912330000401271 &
470 Appl. #: 838810000401359
FRN #: 735132 & 735136

We received a **Funding** Commitment Decision Letter dated April 24, 2002, (please see attached copy) which informed us that we would not be receiving funding for our **Form 471** Application Number **286755** because a **Form 470** was not filed. However, that **is** not the case.

We **are** resubmitting the enclosed signature page per our conversation with Sherry on 4/30/02 at 9:15 a.m., at the SLD Client Service Bureau; phone number **888-203-8100**. She instructed us to resubmit this signature page and to lie out the application # **838810000401259** and to hand in write application # **912330000401271**.

You originally received this form on 12/18/01, (please see the attached copies). At the time this signature page was sent, our office did not notice that the application number was different from the previous application number, (**912330000401271**).

While the Business Manager was in the process of completing the Application #: **912330000401271** via the internet, she was kicked out of the SLD internet system and had to restart. When she went to restart the process for a second time, she clicked on the Continue/Incomplete button, and was allowed to continue processing the application that she thought was # **912330000401271**. Evidently, a new number was assigned # **83881000040125** to the incomplete **470** application and we did not realize it.

If you have any questions or concerns, please contact Kate Knutson at the above address; by phone at **(559) 665-1331 Ext. 214**; by fax at **(559) 665-4659**; or via email at knutsonk@chowchillahigh.k12.ca.us. You may also contact Barbara Walton at the above

address; by phone at (559) 665-1331 Ext. 213; by fax at (559) 665-4659; or via email at waltonb@chowchillahigh.k12.ca.us.

Your reconsideration of this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna White". The signature is written in a cursive style with a large initial "D".

Donna White
District Superintendent

DW/kk

Block 5 Page C

<http://www.sl.universalservice.org/form470/Block5c.asp>

25. Signature of authorized person 	26. Date <u>4/30/02</u> <u>2/14/01</u>
27. Printed name of authorized person Donna White, Ed.D.	
28. Title or position of authorized person District Superintendent	
29. Telephone Number (559) 665-1331 Ext. 216	

9123300004012 71
Form 470 Application Number: ~~838810000401259~~

CHOWCHILLA UNION HIGH SCHOOL
805 HUMBOLDT AVE
CHOWCHILLA, CA 93610-3117

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.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, themselves or as part of a consortium. 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 or 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.

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.

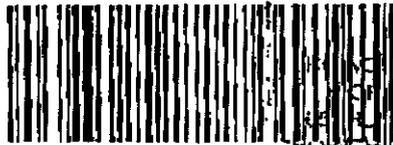
Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding 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 470
P.O. Box 7026
Lawrence, KS 66044-7026
1-888-203-8100

for express delivery services or U.S. Postal Service, Return Receipt
Required. mail this form to: SLD- Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046
1-888-203-8100

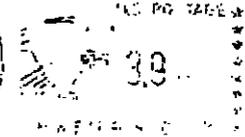
OFFICE OF THE BUSINESS MANAGER
 CHOWCHILLA UNION HIGH SCHOOL
 805 Humboldt Avenue
 Chowchilla, CA 93610

CERTIFIED MAIL



7099 3220 0005 0665 4338

CHOWCHILLA UNION
 HIGH SCHOOL
 805 HUMBOLDT AVE
 CHOWCHILLA, CA 93610



SLD - Form 470
 P O Box 7026
 Lawrence, KS 66044-7026

7099 3220 0005 0665 4338

SENDER: COMPLETE THIS SECTION

- 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 470
 P O Box 7026
 Lawrence, KS 66044-7026

NCS

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature Agent Addressee

D. Is delivery address different from item 1? Yes No

YES, enter delivery address below:
Pearson Agent

22

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3220 0005 0665 4338

102595-00-M-1789

PS Form 3800, July 1999 See Reverse for Instructions

Article Sent To:
*SLD - Form 470 - PO Box 7026
 Lawrence, KS 66044-7026*

Postage	<i>34</i>
Certified Fee	<i>2.10</i>
Return Receipt Fee (Endorsement Required)	<i>1.50</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<i>3.94</i>

Postmark Date: *12/14/01*

Name (Please Print Clearly) (To be completed by mailer)
Walter Pearson - Finance Office

Street, Apt. No., or PO Box No.
Form 470 - PO Box 7026

City, State, ZIP+4
Lawrence, MO 64601

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

03/19/03 WED 13:53 FAX 559 665 4659

CHOWCHILLA HIGH



805 Humboldt Avenue
Chowchilla, CA 93610
☎ (559) 665-1331
Fax: (559) 665-4659

7/9/02

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

To Whom It May Concern:

RE: APPEAL LETTER REGARDING

Billed Entity # 144026
Billed Entity # 107304
Funding Year 5
471 Appl. #: 286755
471 Appl #: 309220

470 Appl. # 912330000401271 &
470 Appl. # 838810000401259
Appl. Form Identifier: 471yr5nextel
FRN #: 735132 & 735136
FRN #: 803886

Since we submitted our original appeal letter dated, 4/30/02 (please see attached), the problems have snowballed. We have been in touch with Celia Zheng with PIA Team 3, Sherry Wolfer and Sherry's supervisor, Roger, whose last name we did not get at the SLD Client Service Bureau; phone number 888-203-8100.

As we understand it now, Box #8 on the second Form 470 with the #83881000040125 assigned to it, did not get checked. However, box # is checked on Form 470 with the #912330000401271 this is the Form 470 that the Business Manager was in the middle of processing when she was suddenly kicked out of the system. Box #8 should have already been checked on application #83881000040125 since the Business Manager was past that point when she was kicked out of the system.

On May 28, 2002 we received a fax, (see attached), from Celia Zheng with PIA Team 3 in which she states that the application #309220, FRN #803886 Form 470 (#838810000401259) was not posted. We provided her with a copy of the first appeal letter and the changed certification sheet. (Please refer to the appeal letter dated 4/30/02).

Per our Business Manager's phone conversation today with Celia, the system will not let Celia clear and fix the problems with either one of the 470 applications.

All we are trying to do here is be approved for the ERATE discounts on our telecommunications

services through Nextel as we have since ERATE Year 2. There is nothing new and nothing complicated about what we are asking for. None of this mess would have started if Babara Walton, our employee, had not been told by the Jessie at the SLD, on 10/29/01 at 8:50 am, that we did not have to complete Form 470's for Year 5 for telecommunication services.

Had we not been mis-informed, all would have been submitted in a timely manner and this mess would have, very possibly, been avoided.

If you have any questions or concerns, please contact Kate Knutson at the above address; by phone at (559) 665-1331 Ext. 214; by fax at (559) 665-4659; or via email at knutsonk@chowchillahigh.k12.ca.us. You may also contact Barbara Walton at the above address; by phone at (559) 665-1331 Ext. 213; by fax at (559) 665-4659; or via email at waltonb@chowchillahigh.k12.ca.us.

Your reconsideration of this matter is greatly appreciated.

Sincerely,



Donna White
District Superintendent

DW/kk

7/30/02
Talked with Debbie - Has ^{SLD} received this appeals letter
on 7/15/02
KK