

Maine School Administrative District 9  
11 School Lane  
New Sharon, Maine  
04955

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March 24,2003

Federal Communications Commission  
Office of the Secretary  
445-12<sup>th</sup> Street, SW  
Washington, DC 20555

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

Appeals

Subject: LETTER OF APPEAL to **USAC**, Schools and Libraries Division,  
Administrator's Decision on Appeal-Funding Year **2002-2003** dated March **6,2003**

Attachments:

- (1) USAC, SLD Administrator's Decision on Appeal-Funding Year **2002-2003**  
dated March **6,2003**
- (2) Original Letter of Appeal from Technology Department, Maine School  
Administrative District **9** dated August **30,2002**.
- (3) Addendum to Letter of Appeal Submitted August **30,2002**,  
dated November **22,2002**

1. Contact Information:

Thomas W. Seubert  
11 School Lane  
New Sharon, Maine  
**04955**

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Fax: (207) 778-3564

E-Mail Address: [tseubert@mbhs.msad9.k12.me.us](mailto:tseubert@mbhs.msad9.k12.me.us)  
[tseubert@msln.net](mailto:tseubert@msln.net)

No. of Copies rec'd 0  
List A B C D E

2. SLD Action Appealing:

Universal Service Administrative Company, Schools and Libraries Division,  
Administrator's Decision on Appeal – Funding Year **2002-2003** dated March **6, 2003**.

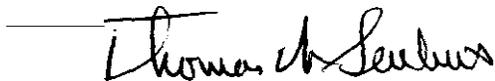
The letter from the Schools and Libraries Division denied in full the appeal as discussed in Attachments **(2)** and **(3)**.

MSAD 9 respectfully requests that the Federal Communications Commission review this appeal and take into consideration the facts already presented. Also, MSAD 9 respectfully requests that you consider the circumstances surrounding the mistakes made in the process. As the Technology Manager, I fully accept responsibility for the data entry mistakes. However, I ask that the FCC consider the impact of denying this appeal will have on the close to **1,000** students of Mt. Blue High School.

It is understood that SLD processes and reviews thousands of applications each year. Thousands of mistakes are made each year and I am sure that there are many that have extenuating circumstances. As the Technology Manager for MSAD 9, I hope that you will understand that in taking over this challenging position without any turnover, time was needed to understand any and all of the programs supported by this position. Now that I have gone through this process, the current Year **2003-2004** application process was completed with the correct data entered referencing the master contract signed by the State of Maine with Verizon.

If you have any questions, please contact me at the phone number or email addresses listed above. Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in black ink, reading "Thomas W. Seubert". The signature is written in a cursive style and is positioned to the right of a horizontal line that extends from the left margin.

Thomas W. Seubert  
District Technology Manager  
MSAD 9

providing complete and accurate information. Applicants must act to ensure that their funding requests satisfy the Commission's policies and program rules. Corrections cannot be made to the information submitted during PIA review, once an application has been committed, unless there was an error on the part of the SLD. Although you acknowledge that this was your input error, the information submitted upon PIA review is solely your responsibility.

- During the initial review of your application you were contacted and asked to confirm the establishing Form 470 application number for this funding request. In a correspondence dated 8/5/2002 you confirmed Form 470 application number 392390000321693, for which the Allowable Contract Date was 1/2/2001. As you signed a contract for new services on 12/01/2000, prior to the Allowable Contract Date of 1/2/2001, your appeal is denied.
- You signed contract/made arrangements for new services prior to the expiration of the 28-day posting period. 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). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. See 47 C.F.R. § 54.504(b)(4). 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). New services include tariff telecommunications services that are NOT subject to an existing, binding, written contract.
- The Item 21 attachments you provided in support of your Form 471 application or documentation provided during review of your application show that you signed a contract for new services prior to the end of the 28-day posting period. In your Receipt Notification Letter, SLD notified you that that the earliest date upon which you could sign a contract or enter into an agreement (your Allowable Contract Date) was 1/2/2001. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. 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 prior to your signing a contract for services or entering into an agreement for new services.

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, 445-12<sup>th</sup> 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.universalservice.org](http://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

TECHNOLOGY DEPARTMENT  
Maine School Administrative District 9  
11 School Lane  
New Sharon, Maine  
04955

November 22,2002

Schools and Libraries Division  
Appeals

Subject:       ADDENDUM TO LETTER OF APPEAL SUBMITTED  
                  AUGUST 30,2002

**1. Contact Information:**

Thomas W. Seubert  
11 School Lane  
New Sharon, Maine  
04955

Phone:       (207) 778-~~3518~~ (Please note this phone number is a change **from** the  
original appeal letter)

Fax:         (207) 778-3564

E-Mail Address:    [tseubert@mbhs.msad9.k12.me.us](mailto:tseubert@mbhs.msad9.k12.me.us)  
                      [tseubert@msln.net](mailto:tseubert@msln.net)

**2. SLD Action Appealing :**

FCD Letter Appealing:	Funding Year <b>2002: 07/01/2002 – 06/30/2003</b>
FCD Letter Date:	August <b>13,2002</b>
Applicant Name:	SCHOOL ADMIN DISTRICT <b>09</b>
<b>Form 471</b> Application Number:	<b>292956</b>
Billed Entity Number:	<b>121749</b>

**3. Funding Request Number (FRN) Appealed:   749372 (Verizon)**

Precise Language:   **28** day waiting period violated; a contract for a new service  
was signed prior to the required 28-day waiting period computed from the date of  
the posting of the Form **470** to the SLD website.

ADDENDED Discussion: On this date I became aware of information from the  
State of Maine Department of Education E-Rate Coordinators while filing for Year

**2003-2004 E-Rate** that is important and requires an **addendum** to the appeal letter submitted August **30,2002**.

Specifically, the State of Maine has a Master Contract with Verizon for ATM lines. The State of Maine Department of Education filed Form **470** Application Number **939290000301535** that covered all of the school districts in the state of Maine. The allowable contract date for the Form **470** was established as **11/23/2000** and the master contract to Verizon (SPIN **143001288**) was awarded **on 12/10/2000** with a contract expiration date of **6/30/2006**.

I was not aware of this contract since I had taken over as the new Technology Manager for School Admin District **09** and did not have a turnover period with the previous Technology Manager.

As I stated in my first letter of appeal discussion I pleaded mea culpa in that this was the first year that I have done the filing for E-Rate for School Admin District **09**. I do **so** again since I now know how that the State of Maine is filing the Form **470** for all school districts and that each individual district files its own Form **471** citing the correct Form **470** application number discussed above.

Again, I sincerely hope that my mistake will not be grounds for denying the funding for this request that will benefit the students of Mt. Blue High School.

If you have any questions, please email me at one of the email addresses listed above. Thank you for your consideration of this appeal.

Thomas W. Seubert  
District Technology Manager  
Maine School Administrative District **9**  
Phone: **(207) 778-3561**