

May 7, 2003

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

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MAY 14 2003
FCC - MAILROOM

State Librarian
E. 12th and Grand
Des Moines, IA 50319
(515) 281-4105
Fax: (515) 281-6191

Communications
E. 12th and Grand
Des Moines, IA 50319
(515) 281-7574
(515) 281-6191

Information Services
E. 12th and Grand
Des Moines, IA 50319
(515) 281-4102
(515) 281-5031
Fax: (515) 242-6543

Library Development
E. 12th and Grand
Des Moines, IA 50319
(515) 281-5790
Fax: (515) 281-6191

**Patent & Trademark
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(515) 281-4102
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State Data Center
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(515) 281-4350
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State Documents
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(515) 281-6718
Fax: (515) 281-4118

State Law Library
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Des Moines, IA 50319
(515) 281-5124
Fax: (515) 281-5405

State Medical Library
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Des Moines, IA 50319
(515) 281-5772
Fax: (515) 281-3384

Technical Services
E. 12th and Grand
Des Moines, IA 50319
(515) 281-4352
Fax: (515) 281-4118

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

Billed Entity Number: 132330
471 Application Number: 299479
Funding Request Number: 768129

DOCKET FILE COPY ORIGINAL

This appeal is on behalf of Dickens Public Library, Dickens, Iowa, population 202. It is a one-staff library open less than 20 hours per week. Their application was denied in full and subsequent appeal was denied in full. After reading through the USAC denial of the appeal, it appears to have been denied because an approved copy of the technology plan was not submitted.

I have enclosed the information sent with the SLD appeal. The initial request from PIA was for a copy of the Dicken's technology plan. PIA could not find Dickens located on the State Library of Iowa's web site as having an approved plan. They requested a copy of Dicken's technology plan and wanted it immediately. A technology plan was obtained from Dickens and a copy of this plan was sent as requested to PIA. Approval of the plan by the State Library had not taken place at this time. If the technology plan was not adequate and the approval form was necessary at this time to move this application forward -- this was not communicated.

The bottom line - it is a POTs application and a technology plan is not required; the application was so marked in 27c., "No Technology Plan Needed." The request in the email was for the technology plan and that was sent as requested (even though not required for phone service). Also, actual approval of any technology plan does not need to be certified until the library sends in the 486 form. The approved certification had not been completed by the State Library when the request from the PIA agent came in; it was approved shortly thereafter. The requested technology plan approval documentation requested at the time of 471 review was outside the realm of the e-rate rules as was the actual request for the technology plan.

Thank you for your consideration.

Sincerely,

Judy Jones
Statewide E-rate Coordinator

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



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

March 27, 2003

Judy Jones
The State Library of Iowa
W 12th and Grand
Des Moines, IA 50319

Re: Billed Entity Number: 132330
471 Application Number: 299479
Funding Request Number(s): 768129
Your Correspondence Dated: October 15, 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: 768129
Decision on Appeal: **Denied in full**
Explanation:

768431 - Internet

- In your letter of appeal, you state that this FRN is for phone service and a technology plan is not required. The 471 application was marked "no technology plan needed." You indicate that even when a technology plan is required, the certification of the plan is not required until the 486 form is submitted. You faxed a copy of the technology plan to PIA on August 13, 2002 and do not understand why the FRN was denied. You also state that to complicate matters, the funding requests documentation was switched between two different applications. The internet attachments were stapled to the phone 471 and the phone documentation was attached to the internet 471. You are requesting that we fund this FRN. You have also asked for the status of application #299636.

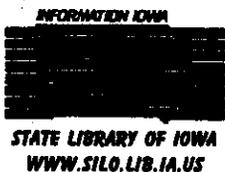
- Based on a review of this FRN, it has been determined that the documentation submitted by you in support of this request includes both Telecommunications and Internet Access services. Although a technology plan is not required for basic local and long distance telephone service, it is required for Internet Access service. On three different occasions PIA requested a technology plan approval letter. The final request was made to the library e-rate coordinator whose initial response was that a technology plan is not required for phone service. Although the erroneous assignment of the support documentation by the applicant to the individual Form 471 applications was a significant factor which led the e-rate coordinator to this conclusion, PIA was not made aware of this situation and could not have determined this in reviewing the documentation, which was clearly identified as relating to Form 471 application 299479. The first notification of the documentation switch was in the letter of appeal.
- On 8/13/02, you faxed PIA a technology plan but it did not include the approval letter by a certified approver of technology plans. Included with the letter of appeal is the technology plan approval letter. This letter was not submitted during the initial review. Your understanding that the technology plan is not required until the Form 486 is submitted is valid only if you had indicated on item 27 of the Form 471 that an authorized body will approve the technology plan by the time that services are received. You indicated in items 27a through 27c of the Form 471 that there was no technology plan and that no plan was needed. The accuracy and correctness of the information provided in connection with the submission of the Form 471 and during PIA review is the responsibility of the applicant. Your appeal provides additional corrected information that contradicts information originally submitted. Although you acknowledge that this was your input error, the information submitted is solely your responsibility. Corrections cannot be made to the information submitted, once an application has been committed, unless there was an error on the part of the SLD. The request for the status of application #299636 has been forwarded to the appropriate department for a response.
- Your Form 471 number 299479 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. During the review of your application, SLD requested that you provide an approved copy of your technology plan. You failed to provide an approved copy of your technology plan. Consequently, SLD denies your appeal because you failed to provide an approved copy of your technology plan.

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.universalservice.org.

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

Schools and Libraries Division
Universal Service Administrative Company

CC: Gail Weier
DICKENS PUBLIC LIBRARY
210 MAIN, PO BOX 38
DICKENS, IA 51333 0120



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October 15, 2002

LETTER OF APPEAL - FAX SUBMITTAL 973-599-6542

471 Application Number# 299479; FRN #768129
Funding Year 2002 (Year 5)
Billed Entity 132330 Dickens Public Library
Services: Telecommunications
Contact: Judy Jones, State Library of Iowa, 515-281-4499

Funding Denied: The FRN references services for which a technology plan is required. On the Denial List sent to state coordinators run on August 29, 2002, and on the FCDL, Dickens is listed as Denied for Telcomm Services. The reason listed is: a technology plan is required.

This FRN is for phone service. A technology plan is not required and the 471 application was marked - "no technology plan needed." Even though not required for telecommunications services, Peter Bachhioni insisted one be sent. Even when required, certification of the technology plan is not required until the 486 form is submitted. I faxed the technology plan for Dickens to Peter Bacchioni on August 13, 2002 (see enclosed). I do not understand why this FRN was denied. A technology plan for Dickens was faxed to PIA as requested, even though it was not actually a requirement for telecommunications service. The reason for denial does not fit the actual facts for this application submission.

Looking at the application status for this entity, I find another application #299636 that has "Certification Not Completed" in the Application Status column. However, this was not on the Denial List sent to state coordinators run on August 29, 2002. What is the status of this FRN #768431?

To further complicate this application, looking through the paperwork, it was discovered that on the original application the attachments were stapled to the wrong 471s. The internet was attached to the phone 471 and the phone documentation was attached to the internet 471.

I am enclosing all paperwork I have on file dealing with this application and FRN. Copies of application pages, SLD application status page, email to Peter Bacchioni, and Dickens' technology plan and State Library certification. Please clear up this application and fund immediately the telecommunications application 299479, FRN ~~#786129~~. Please clarify status of application #299636, FRN #768431.

768129
Sincerely,



Judy Jones

Statewide E-rate Coordinator/Libraries

enc

Phone

HOME CANCEL SAVE & EXIT HELP

FCC Form 471

Services Ordered and Certification Form



Block 2 & 3 Block 4 Block 5 Block 6

Applicant's Form Identifier: JFPA215-471-Y5

Entity Number: 132330

Contact Person: Gail Weier

Phone Number: (712) 836-2217

IMPORTANT

Please record this application's information in a secure place for future reference.

471 Application Number: 299479
Entity Number of Billed Entity (Applicant): 132330
Security Code Number: 71424

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Schools and Libraries Division

*Appeal
FRN # 768129*

School and Libraries Universal Service Program

Services Ordered and Certification Form 471
Application Display

Form 471 Application Number: 299479 Funding Year: 07/01/2002 - 06/30/2003 Billed Entity Number: 132330

Applicant's Form Identifier: JFPA215-471-Y5

Applicant's Form Identifier: JFPA215-471-Y5
471 Application Number: 299479 Funding Year: 07/01/2002 - 06/30/2003 Billed Entity Number: 132330

Name: DICKENS PUBLIC LIBRARY
Address: 210 MAIN, PO BOX 38
City: DICKENS State: IA Zip: 51333 0120
Phone: 712-836-2217 Ext:
Fax: --
E-mail: dlibrary@netins.net

Contact Name: Gail Weier
Address: 210 MAIN, PO BOX 38
City: DICKENS State: IA Zip: 51333 0120
Contact Phone: 712-836-2217 Ext:
Contact Fax: -- Ext:
E-mail: dlibrary@netins.net
Contact Mode: PHONE
Alternate Contact Info.:

Type of Application: LIBRARY

Ineligible Orgs: N

Number of students to be served: Number of library patrons to be served: 202

Number of students to be served:

Number of library patrons to be served: 202

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
	NO DATA	

Approved by: [Signature]

Approved FRN# 48889
App# 299479

Worksheet ID No: 356712 Library Outlet/Branches:
Weighted Dis: 9% (Sum Column 5): 60 Share Discount: N/A

1. Library Name: DICKENS RUBIC LIBRARY
2. Entity Number: 1424305 Rural/Urban: N/A
4. School District where library outlet/branch is located: SOUTH CLAY COMM SCHOOL DIST 5; Discount: 60%

Block 2 - Data for Funding Request

FRN: 768129	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 338090000389758
13. SPIN: 143002048	14. Service Provider Name: Webbedickentel Corp.
15. Contract Number: 1	16. Billing Account Number: 7124836-2216
17. Allowable Contract Date: 12/31/2001	18. Contract Award Date:
19a. Service Start Date: 07/01/2002	19b. Service End Date: 06/30/2003
20. Contract Expiration Date:	
21. Attachment 1	27. Block 4 Entity Number: 132350
23a. Monthly Charges: \$115.25	23b. Ineligible monthly amt: \$0.00
23c. Eligible monthly amt: \$115.25	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$1,359.00	
23f. Annual non-recurring (one-time) charges: \$0.00	23g. Ineligible non-recurring amt: \$0.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$1,359.00	
23j. % discount (from Block 4): 60	
23k. Funding Commitment Request (23i x 23j): \$315.20	

*

Block 3 - Data for Funding Request

- 24a. Schools: N
- 24b. Libraries or Library Consortia: Y
- 26a. Individual Technology Plan: N
- 26b. Higher-Level Technology Plan(s): N
- 26c. No Technology Plan Needed: Y

Approved April 11, 2002
FRN 768129

** Note*

27a. Approved Technology Plan(s): N
27b. State Approved Technology Plan: N
27c. No Technology Plan Needed: Y

36. Printed Name of Authorized Person: Gail Weier
37. Title or Position of Authorized Person: Director
38. Telephone Number of Authorized Person: (712) 836-2217 ext.



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Schools and Libraries Division

Handwritten signature and date: Gail Weier 1/8/02

HOME CANCEL HELP

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: JFPA215-471-Y5

Entity Number: 132330

Contact Person: Gail Weier

Phone Number: (712) 836-2217

Do not write in this area

471 Application Number: 299479

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 procurement 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.

note

Approved 1/11/02 299479
V R N H 7 2 29

Item #1 attached



Webb-Dickens Telephone Corp.

P.O. Box 267
Sanborn, Iowa 51248
(800) 642-4088

Amount Due

154.75

SP/IN# 143002048
471 app# 299636

Billing Number 836-2217
Account Number 0030010

Billing Date AUG 01, 2001
Delinquent After AUG 20, 2001

Previous Bill	Previous Payments	Adjustments	Previous Balance	Current Charges
226.41	226.41	0.00	0.00	154.75

PAYMENTS RECEIVED AFTER JUL 25 ARE NOT INCLUDED

FOR BILLING QUESTIONS, PLEASE CALL (800) 642-4088
FOR SERVICE CHANGES, PLEASE CALL (800) 642-4088

CONTACT THE BUSINESS OFFICE FOR A BREAKDOWN OF CHARGES

Interstate Pk: VERNON COMMUNICATIONS
Intralata Pk: VERNON COMMUNICATIONS

4812 SP 0.570 S-1
DICKENS LIBRARY
210 MAIN ST
PO BOX 120
DICKENS IA 51333-0120



Please keep this portion for your records

Entity 132330

Attachment for phone service

Appeal # 2991479
FRM 7/6/01

#113.25 *

DESCRIPTION	QTY	EACH	AMOUNT
NON-PAYMENT OF LOCAL SERVICE CHARGES IDENTIFIED WITH AN (*) MAY RESULT IN DISCONNECTION OF YOUR TELEPHONE SERVICE.			
BUSINESS LINE *	1	13.75	13.75
SERVICE AGREEMENT	1	0.50	0.50
DESK T1	1	1.00	1.00
PIC FREEZE	1	0.00	0.00
1+ AND 0+ RESTRICTION	1	2.00	2.00
TOTAL MONTHLY CHARGES			17.25
WEBB/DICKENS TELEPHONE COMPANY MONTHLY CHARGES			
TOTAL LOCAL CHARGES			
TOTAL CURRENT CHARGES FOR MAIN ACCOUNT			21.75
SUBTOTAL FOR 836-2388			
SUBTOTAL FOR 836-2387			45.75
SUBTOTAL FOR 836-2388			20.75
SUBTOTAL FOR 836-2389			20.75
TOTAL AMOUNT DUE			
			154.75
			113.25

Called Nancy @ Webb-Dickens telephone & had internet lines (836-2388 & 836-2389) disconnected. These lines are not needed for internet connection. BR

836-2217 0030010 Customer Detail AUG01 Pg 1/1

Dickens



Weighted Average E-rate Discounts for Iowa Schools and Libraries

Calculations are based on the 2000 school data as displayed here

E-rate | D-H | L-P | R-W

District/School	Enrollment	Free & Reduced Eligible	Free & Reduced as Percent of Enrollment	Discount	Students	WAD
-----------------	------------	-------------------------	---	----------	----------	-----

SOUTH CLAY	112	33	29.46	60	67.2	
SOUTH CLAY ELEMENTARY	112				67.2	60%

Approval # 2994779
EPN 7/11/09

From: Judy Jones
Date: Tue, Aug 13, 2002
Subject: PIA Re: APPLICATION #299479 DICKENS PUBLIC LIBRARY

I have faxed the plan. I am not sure why you are requiring this documentation to approve a funding commitment. The rules specifically say the library does not have to have an approved plan until they certify on the 486. It seems this rush job was beyond the call of duty.

>>> "Peter Bacchioni" <pbacchi@sl.universalservice.org> 8/13/2002 7:01:55 AM >>>
JUDY CAN YOU SEND THE TECH PLAN VIA FAX?

It does NOT say approval certification

@973-599-6513

thank you

Peter Bacchioni

Peter J. Bacchioni
Program Integrity Assurance
Schools and Libraries Division
100 S. Jefferson Avenue
Whippany, NJ 07981
Phone#973-428-7337 Fax # 973-599-6513
PBACCHI@SL.UNIVERSALSERVICE.ORG
Client Bureau Services Phone# 1-888-203-8100 FAX: 1-888-276-8736

>>> "Judy Jones" <Judy.Jones@lib.state.ia.us> 08/12/02 04:13PM >>>
Dickens Public Library has submitted a technology plan which I have approved. It covers Year 2002-2003.

Judy Jones, State Library of Iowa
E. 12th & Grand
Des Moines, Iowa 50319
Phone: 515-281-4499
Fax: 515-281-6191
Judy.Jones@lib.state.ia.us

>>> "Peter Bacchioni" <PBACCHI@sl.universalservice.org> 8/9/2002 11:52:44 AM >>>

Per our phone conversation, your assistance is crucial in this situation for a technology plan approval documentation.

Please Advise!!!

Thank You

Peter J. Bacchioni

*Approved # 299479
11/11/02*

Certification of Technology Plan Approval
for Schools and Libraries
Universal Service Program

The State Library of Iowa is certified by the Schools and Libraries Division to approve technology plans for participation in the Schools and Libraries Universal Service Program.

Dickens Public Library has a technology plan that has met the standards and criteria outlined in the following checklist.

The technology plan is valid from January 2002 until December 2003

CHECKLIST

Successful technology plans align the overall education or library service improvement objectives with the following five criteria. To qualify as an approved Technology Plan for a Universal Service Program discount, the plan must meet these criteria. It is critical that technology planning not be viewed or treated as a separate exercise dealing primarily with hardware and telecommunications infrastructure. There must be connections between the proposed physical infrastructure of the information technology and the plan for professional development, curriculum reform, and library service improvements.

- The plan establishes clear goals and a realistic strategy for using telecommunications and information technology to improve education or library services.
- The plan has a professional development strategy to ensure that staff know how to use the new technologies to improve education or library services.
- The plan includes an assessment of the telecommunication services, hardware, software, and other services that will be needed to improve education or library services.
- The plan provides for a sufficient budget to acquire and maintain the hardware, software, professional development, and other services that will be needed to implement the strategy for improved education or library services.
- The plan includes an evaluation process that enables the school or library to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities as they arise.

Signed

Judy Jones

Date

8/12/02



Application # 277179

Peter Bacchioni

Dickens Public Library
2002-2003

Mission/Technology Vision Statement:

The Dickens Public Library was established to provide its citizens access to resources to educate, inform, provide recreation, and to encourage life-long learning.

The Dickens Public Library will use information technologies to enhance its collections and services, and to assure equitable access for the Dickens community to information, education and recreation in electronic formats.

Goals:

Continue to provide free public access to the Internet and to other electronic resources.

Continue to provide our community with education in the use of information technologies.

Objectives & Strategies:

By September 2002:

Apply for the Gates Foundation Grant (Library Director and Board)

Consider whether it is economically feasible to sign up for EBSCOhost, an online source for full-text periodical articles plus other electronic information.

Continue to build familiarity using World Wide Web resources like:

- Northwest Iowa Library Service Area's web site
- The State Library of Iowa's web site
- Search engines
- Subject directories

By December 2002:

Apply for E-rate discounts on phone and Internet service for July 2003-June 2004

By April 2003:

Subscribe to FirstSearch (Director and Board)

Attend training in use of FirstSearch (Director and staff)

By July 2003:

Take possession of two new Gateway computers courtesy of the Gates Foundation Grant (Library Director and Board)

Take advantage of training on the software loaded on these new computers. (Library Director and staff)

Publicize the new Gateway computers to the public via press releases, flyers, etc. (Library Director)

By September 2003:

Develop a training plan for teaching the public to use the software loaded on the new Gateway computers. (Library Director and staff)

By December 2003:

Implement training of the public in use of the Gateway computers.

Applied App # 277179
FRN 1168129

Applied to Peter Bacchioni August 13, 2002. Although
not successful for the time being.

Assessment of Current Status

The library currently has four PCs. Two of the PCs are Internet-equipped with dial-up connections. These Internet computers are shared by staff and patrons. One of the other two computers is reserved for staff use. The fourth computer is shared by both public and staff.

All computers were purchased a year ago. The library also has a new scanner. We would like to purchase additional software but we are experiencing current funding shortages.

In 2003, Dickens will be benefitting from two new, free Gateway computers courtesy of the Bill & Melinda Gates Foundation.

Staff Training:

All library staff will continue to be provided in-service training in technology. Library Service Area and AEA workshops will be used whenever possible. We also plan to take advantage of the Gates Foundation's free training and support.

Intent to use USF Discounted Services and Budget

The Dickens Public Library intends to use the Universal Service discounts on the following services and equipment:

- a. Telecommunications charges for three phone lines, including
 - local and long distance service
- b. Two dial-up Internet connection monthly fees

The non-discounted portion of telecommunications, Internet access, and any additional internal connections needed will be paid from the regular budget of the Dickens Public Library.

Plan Evaluation

The success of this technology plan will be judged on the ability of the library to meet the objectives and time lines set forth in this plan. The plan will be reassessed each year at a Board meeting to evaluate progress and modify objectives if necessary.

Handwritten notes:
Approved by Board 2/19/99
Y. J. [unclear]



Chicago Public Schools
Office of Technology Services
125 S Clark St. 3rd Fl Chicago, IL 60603 (MR125)



E-Rate Team

Fax

RECEIVED & INSPECTED
MAY 15 2003
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Date: May 14, 2003 **Pages:** 8 including cover

To Location: Federal Communications Commission **From:** Office of Technology Services

Contact: Office of the Secretary **Contact:** Jane Kratochvil
jkratochvil@cps.k12.il.us

Phone: **Phone:** (773) 553-1322

Fax: (202) 418-0187 **Fax:** (773) 553-1722

Urgent For Review Please Comment Please Reply Please Recycle

- Contents:**
- An appeal from Chicago Public Schools to extend the deadline for providing services for E-Rate funding year 5 (2002-2003).
 - A letter from the service provider, SBC, explaining the issues associated with the request for an extension.

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CHICAGO PUBLIC SCHOOLS
Arne Duncan
Chief Executive Officer

REQUEST FOR WAIVER
EXTENSION OF E-RATE YEAR 5 DEADLINE

May 13, 2003

By Facsimile and Federal Express

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

<p>RECEIVED & INSPECTED</p> <p>MAY 15 2003</p> <p>FCC - MAILROOM</p>
--

Re: **Applicant Name:** Chicago Public Schools
 Billed Entity Number: 135749
 Form 471 Application Number: 294276
 Funding Request Number (FRN): 753376
 Funding Year: Year 5 (July 1, 2002 - June 30, 2003)
 Service Provider/Spin No.: SBC Global Services, Inc./143021555
 Funding Commitment Amount: \$38,994,917.62

Dear Sir and/or Madam:

Pursuant to FCC Order 01-195, CC Docket No. 96-45 and 97-21, issued June 29, 2001 (the "Order"), Chicago Public Schools, District 299 ("CPS" or the "District"), respectfully requests that the implementation deadline for the above referenced FRN be extended from June 30, 2003 to September 30, 2004. The District is making this request pursuant to Section III. A.2. (12)(3) of the Order which provides that *"applicants will qualify for an extension of the implementation deadline for non-recurring services if they satisfy one of the following criteria . . . (3) applicants whose service providers are unable to complete implementation for reasons beyond the service provider's control."*

As the third largest school district in the nation, CPS has over 435,000 students, 86% of whom are eligible for the Free or Reduced-Price Lunch Program. The District is aggressively working on both Local and Wide Area Network projects that will link more than 600 schools and service buildings and provide Internet service through the Illinois Century Network. In addition, the District and its service providers must coordinate the E-Rate projects with other projects occurring simultaneously under the District's five-year \$3.2 billion Capital Improvement Plan, including approximately \$1.6 billion in new construction, and approximately \$1.6 billion in major capital renovation projects.

The District began receiving Year 2001 Internal Connections funding commitment letters from the Schools and Libraries Division ("SLD") on February 11, 2002. Pursuant to the District's letter in March 2002 to the SLD (the Year 2001 Appeal Letter) on September 18, 2002, the SLD extended the service delivery deadline on Year 4 FRN 712574 from September 30, 2002, to September 30, 2003. This approval occurred after the deadline for Year 5 application for discount requests.

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In October 2002, the District received its Funding Commitment Decision Letter for the Year 2002 Internal Connections FRN noted above.

The following factors, beyond the control of the District's service provider, prevent them from completing the work associated with the Year 2002 Internal Connections FRN by September 30, 2003.

1. Extension of Completion Deadline for Year 2001 FRN

Given the scope of work associated with the 2001 FRN and the shortage of qualified electricians detailed below, the extension of the service delivery deadline for the Year 2001 FRN has ensured that the 12 months originally slated for work on the schools associated with the 2002 FRN (October 2002 - September 2003) has been consumed by work on the schools associated with the 2001 FRN. The Chicago Public Schools has been and is currently finishing the implementation of cabling and configuration and installation of equipment associated with the Year 4 funding commitment.

Therefore, it is not prudent or feasible for the Chicago Public Schools to focus attention on Year 2002 funding commitments until the projects associated with the Year 4 (2001) Funding Commitments have been completed. The time it takes to complete wiring projects has made it impossible for SBC to complete the required work on the scheduled schools by September 30, 2003. Any attempts to complete the projects under the abbreviated schedule would substantially increase the costs on a per project basis. See Attachment A (letter from SBC).

2. District Conducting its Triennial Review of Contractors

Schools wiring projects under the E-Rate program are part of the District's Capital Improvement Program, and are managed by SBC Datacomm ("SBC") under a district-wide contract (the "Contract") with the Chicago Board of Education (the "Board"). Pursuant to the Contract, pre-qualified vendors are eligible to bid on individual wiring projects managed by SBC. Under the Board's contract, the Board is required to review the qualifications of contractors and certify their respective companies to bid on LAN projects. In September 2002, the Board began the process of re-certifying contractors. Due to a high proportional amount of contractors not being approved for certification by CPS, the District had to extend its' timeline to review the qualifications of companies interested in being added to the District's pool of pre-qualified contractors. The pre-qualified list of vendors has been approved at the March 26, 2003 Board meeting.

3. Transitions in the District's Senior Management Team

The District has been in the process of recruiting and hiring a new Chief Operations Officer ("COO"), and a new Chief Technology Officer ("CTO"). These positions play a crucial role in the management and development of various CPS projects including the District-wide LAN program. These senior management positions work with the Board of Trustees to review and approve various projects. The recent change in senior management has resulted in a delay in the approval of the LAN project, as well as various other projects at CPS. It is imperative to the Board that E-Rate funds are spent in complete compliance with E-Rate guidelines and in the most effective way for the students of Chicago Public Schools.

May 12, 2003

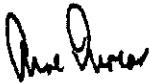
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4. Shortage of Qualified Electricians

As noted in its Year 2001 Appeal Letter, a continuing construction boom in the Chicago metropolitan area has created a continuing shortage of qualified electricians. Hiring the electricians necessary to complete work on the 139 schools associated with the 2001 FRN has been challenging; hiring the additional electricians needed to simultaneously work on the schools associated with the Year 2002 FRN will be impossible.

Based on items outlined above, Chicago Public Schools, District 299, hereby respectfully requests that the E-Rate Year 5 deadline be extended fifteen (15) months from June 30, 2003 to September 30, 2004, as is the practice with other applicants in similar situations. If granted, the extension would allow CPS to make the most efficient and economical use of the E-Rate Year 5 commitment funds. We appreciate your consideration of this request and ask that you contact the following individuals in the Office of Technology Services if you have any questions concerning this matter: David Vitale, Acting Chief Technology Officer, at (773) 553-3529 or dvitale@csc.cps.k12.il.us, or Jane Kratochvil, E-Rate Manager, at (773) 553-1322 or jkratochvil@csc.cps.k12.il.us.

Sincerely,



Arne Duncan
Chief Executive Officer

Attachment

cc: All Board Members
Peggy A. Davis
Brandi Turco
Marcus Nunes



Cynthia Sacco
Program Executive
Phone No. 312-364-7366
Fax No. 312-364-6544

Marian Mulchrone
Vice President
Phone No. 312-364-3300
Fax No. 312-364-4655

May 12, 2003

Mr. David Vitale
Acting CIO
Chicago Public Schools
123 S. Clark St.
Chicago, IL 60603

Dear Mr. Vitale,

At the request of the Chicago Public Schools, ("CPS") SBC DataComm ("SBC") is providing information regarding the status of the LAN design and wiring work at the schools associated with CPS' funding requests for E-Rate Year 4 ("the Year 4 schools"), and E-Rate Year 5 ("the Year 5 schools").

The LAN design and wiring work at each school encompasses several steps, all of which occur pursuant to contractually specified deadlines.

To begin, each school is assessed in consultation with school personnel. This assessment identifies the design and system integration issues that must be managed at each school. It takes approximately three weeks to assess five schools.

After the assessment is complete, five to ten schools are placed in a group. Contractors, designers, construction managers and school personnel then physically walk each school in the group to review its scope of work. After the last school in a group has been walked, contractors have three weeks to submit bids for every school in that group.

After the contractors' bids are unsealed, a "Notice of Award" is sent to the lowest qualified contractor. The contractor then has seven business days to produce proper bonding, insurance and Affirmative Action documentation. Once all documentation is received, a "Notice to Proceed" is issued and the contractor has one week to mobilize. The contractor then has twelve weeks to reach the substantial completion point on each of the schools in the group.

Given the above deadlines, it typically takes at least five months for work at each school to move from initial assessment to completion.

CPS received a Funding Commitment Decision Letter from the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") for the Year 4 schools in February 2002; over seven months after the July 1, 2001 start of Year 4.

Given the date of the Funding Commitment Decision Letter, CPS asked the SLD to extend the service delivery deadline on the Year 4 schools from September 30, 2002 to September 30, 2003. The SLD granted CPS' request, and SBC and its subcontractors have spent the period July 1, 2002 to date (a.k.a. Year 5) working on Year 4 schools. SBC expects to complete work on 139 Year 4 schools by September 30, 2003.

CPS received a Funding Commitment Decision Letter from the SLD for the Year 5 schools in October 2002. However, given the number of schools at issue, the deadlines detailed above, and the fact that all of Year 5 has been spent working on Year 4 schools, no work has been done to date on any of the Year 5 schools.

As mentioned above, the design, bid, award and work deadlines for the LAN design and wiring project are specified by contract. In order to shorten the timeline—thereby allowing design and wiring of Year 5 schools to be completed by September 30, 2003, the District would have to pay a significant increase in labor costs. Dramatically increasing project costs in this manner will increase the District's costs per school, and may reduce the total number of schools the District can afford to have wired.

If the deadline for design and wiring of schools associated with FRN 753376 is extended fifteen (15) months from June 30, 2003 to September 30, 2004, work could be completed per the timeline detailed above, thereby ensuring that the District did not have to pay increased labor costs.

Very truly yours,



Marian Mulchrone
Vice President
SBC DataComm