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November 17, 2003

RUDOLPH J. GEIST, ESQ.

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E-MAIL

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Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington DC 20554

Re: Notice of Ex Parte Presentation, In re Requests for Review by Consorcio de Bibliotecas y Escuelas de Puerto Rico ("Consorcio") of Decisions of Universal Service Administrator ("Requests for Review"); Request for Relief of Puerto Rico Department of Education ("Request for Comment"); CC Docket Nos. 96-45, 97-21, and 02-6.

Dear Ms. Dortch:

Today, Messrs. Gregory Rohde and Christopher McLean, of E-Copernicus, and I, representing Hispanic Information and Telecommunications Network, Inc. ("HITN"), met with Narda Jones and Katherine Shaud Tofigh, of the Wireline Competition Bureau, to discuss matters related to the above-referenced Requests for Review, as well as the Commission's Request for Comment, in the above-referenced proceedings. The discussions specifically related to issues outlined in the attached written presentation previously furnished to the Commissioners' offices during prior presentations.¹ We further discussed specific issues relating to some of the problems encountered by HITN, and to the best of HITN's knowledge, the Consorcio, with respect to their participation in the E-Rate Program during Years 4 through 6.

A summary of the additional issues discussed is as follows (citing relevant year):

1. Waiver of Year 4 Deadline is Justified Because SLD Notices Were Not in Spanish

Notwithstanding the other important legal issues raised in the Consorcio's Requests for Waiver, including the Consorcio's claim that the SLD failed to secure OMB approval for the changes to Year 4 filing procedures in violation of the Paperwork Reduction Act, HITN discussed that a waiver of the Year 4 Filing Procedures is justified in the Consorcio's case since none of the forms of notice cited by SLD as constituting proper notice of a material change in Year 4 filing procedures was communicated to Consorcio applicants in Spanish (all of which are located in a Spanish speaking U.S. territory). Further, we discussed that Consorcio members, most of which represent the most

¹ See Attachment 1.

underserved educational institutions in the United States, unlike most U.S. schools and libraries, do not have access to the resources (including Internet access in most cases) necessary to monitor, let alone translate into English, SLD website (or other) publications relating to material changes in application procedures affecting federal E-Rate benefits to which they are entitled. Had SLD furnished Consorcio members with a notice of the changes in Year 4 filing procedures written in Spanish, Consorcio members surely would have filed all their applications pursuant to the changed procedures, as they had fully followed procedures they understood from the previous year. The public interest requires grant of a waiver for these reasons.

2. Year 4 Procedures for Electronic Filers Were More Restrictive Than Prior Years

HITN discussed that the change in filing procedures in Year 4 was more restrictive for entities filing their applications electronically, because pursuant to procedures during prior years, which the Consorcio followed, applicants could file applications electronically by the close of the filing window, while mailing the paper copies after the close of the window. Thus, in Year 4, applicants that filed electronically had an additional burden of mailing certifications prior to the close of the filing window. While allowing applicants filing manually in Year 4 to mail their applications by the deadline (versus delivering them to SLD by the deadline as in prior years) may have made the procedures slightly less restrictive for those applicants, adding this additional burden for electronic filers made the process more difficult and more restrictive for electronic filers.

3. Year 4 Filing Procedures Regarding Item 21 Attachments

We discussed that it is HITN's understanding that pursuant to the SLD filing procedures in place during Program Years 1-4, and those still in effect today, the Item 21 Attachments "need not be submitted within the "Form 471 filing window."² Thus, considering that the Consorcio's applications were timely filed electronically within the filing window, under the Electronic Signatures in Global and National Commerce Act, the SLD should have considered the applications as timely filed.

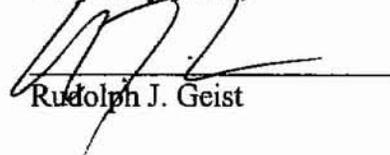
² See SLD Website instructions re "How to File the Item 21 Attachment," <http://www.sl.universalservice.org/reference/Form471item21Attachments.asp>. HITN notes that the SLD has never clearly enunciated the appropriate filing procedures for Item 21 Attachments. For example, during Years 1 through 3, the SLD did not require that the Item 21 Attachments for applications filed electronically be submitted within the filing window for the Form 471 Application to be considered as timely filed. See Electronic Filers Note, (01/14/2000) <http://www.sl.universalservice.org/whatsnew/012000.asp#deadline>, (SLD does not specify that Item 21 Attachments must be submitted along with Bock 6 Certification.) During Year 5, the SLD's online filing instructions seemed to indicate that the Item 21 Attachments did not have to be submitted within the filing window deadline. See <http://www.sl.universalservice.org/whatsnew/misc/fy5open.asp>. Notwithstanding how this confusing myriad of inconsistent instructions from year-to-year would be interpreted by the Spanish language Consorcio members (or any other applicant for that matter) as to what is the actual filing procedure for Item 21 Attachments, the practice of the SLD throughout this program's history has been to accept Item 21 Attachments after the Form 471 filing window deadline. Relevant portions of the documents cited in this paragraph are also attached hereto collectively as Attachment 2.

4. HITN Common Carrier Eligibility to Provide Services (Years 5 and 6)

We discussed that FRNs related to 4 out of 62 Consorcio applications for which the SLD actually issued funding commitment decision letters (FCDL) during Year 5 (SLD has not yet acted on the other 58), and certain FRNs related to all 60 Consorcio applications filed during Year 6, were wrongly denied by SLD, claiming HITN is not a service provider authorized to provide services on a common carrier basis. After the Consorcio received the FCDLs denying FRNs during Year 5, the Consorcio appealed and notified SLD of HITN's status as a satellite common carrier, and furnished to SLD copies of HITN's FCC common carrier authorizations. HITN also separately notified SLD of its common carrier status. Notwithstanding, SLD has not acted on those appeals and has further issued Year 6 FCDLs to all Consorcio members denying all 60 Year 6 Consorcio member applications, claiming HITN is not authorized to provide services on a common carrier basis. The Consorcio has appealed these FCDLs, again furnishing proof of HITN's FCC common carrier authorizations.³ No action has been taken by SLD on any of these appeals.

This letter is being filed electronically for inclusion in the above-referenced dockets pursuant to Section 1.1208 of the Commission's rules, 47 C.F.R. §1.1208.

Very truly yours,



Rudolph J. Geist

cc: Narda Jones (via e-mail)
Katherine Shaud Tofigh (via e-mail)
Jessica Rosenworcel (via e-mail)
Lisa Zaina (via e-mail)
Daniel Gonzalez (via e-mail)
Matthew Brill (via e-mail)
Christopher McLean (via e-mail)
Gregory Rhode (via e-mail)

Attachments

³ Such FCC authorizations are attached hereto as Attachment 3. See also FCC IBFS database, http://dettifoss.fcc.gov/servlet/ib.page.FetchLicense?filing_key=-2099739687; and http://dettifoss.fcc.gov/servlet/ib.page.FetchLicense?filing_key=191191.

ATTACHMENT 1

**HITN PRIOR 3 YEARS EXPERIENCE WITH THE E-RATE PROGRAM:
TRIALS AND TRIBULATIONS**

Presented to Federal Communications Commission, September 25, 2003

E-Rate Funds Applicant(s): Consorcio de Escuelas y Bibliotecas de Puerto Rico
(CEBPR) Member Institutions

Service Provider: Hispanic Information and Telecommunications Network, Inc. (HITN);
SPIN # 143006644

Program Funding Years: 4, 5 and 6

Introduction

Since 1998, HITN has been providing advanced telecommunications and Internet access services and equipment to many of the nation's poorest K-12 private schools and libraries located throughout some of the most remote regions of Puerto Rico. Broadband Internet access and distance learning services are being provided by HITN to schools and libraries using an advanced satellite based transmission medium developed by HITN specifically tailored to serve customers located in the dense foliage and mountainous terrain that are characteristic of Puerto Rico.

HITN is a provider of Internet and distance learning services to a consortium of schools and libraries in Puerto Rico and is in no way associated with or part of the Department of Education of Puerto Rico. HITN did receive E-Rate support for services delivered in the first 3 years of the E-Rate program. However, no support has been provided for the past three years.

Notwithstanding that HITN's school and library customers have not received any E-Rate funding from SLD during the past 3 program years and therefore have been unable to make payment to HITN of the E-Rate subsidized portion pursuant to service agreements with HITN (which in most cases equals 90%), HITN has continued providing services to these entities, funding the continuation of the services from other sources within the organization. Inaction regarding present appeals on file with the Commission regarding Program Year 4 and with respect to qualified applications currently pending with the SLD for Program Years 5 and 6 has created major uncertainty for the institutions (many of which have not begun receiving any services under the E-Rate program) and unfair and substantial financial hardship on HITN. As service provider to many of the CEBPR institutions, HITN requests the Commission promptly address the following problems encountered by HITN and its customers over the past 3 years of their participation in the E-Rate program, and provide these institutions with appropriate relief so they may derive the benefits to which they are entitled under this program.

The following summarizes the problems faced by HITN and its customers over the course of each of the past 3 E-Rate program years:

Program Year 4 (2001-2002)

PROBLEM SUMMARY: Applications for funding of all Applicant members of CEBPR, a group of private schools and libraries not affiliated with the Puerto Rico Department of Education, were rejected by the Schools and Libraries Division (“SLD”) as untimely filed because the mailing of the Block 6 Certifications and Item 21 Attachments to the Applications were not postmarked before the end of the Year 4 filing window ending January 18, 2001. After filing an initial Request for Waiver with the SLD that was rejected, CEBPR filed Requests for Review and Waiver (see below) with the Federal Communications Commission (FCC) arguing that the applications should be reinstated for SLD consideration and grant because CEBPR member institutions followed application filing procedures in place during Funding Year 1 through Funding Year 3 permitting applicants to file electronic versions of applications by the close of the filing window and mail the paper copies within several days after the close of the filing window. The SLD’s attempt to impose more stringent filing requirements on CEBPR Applicants during Year 4 through informal and unofficial web site publications that were not approved by the Office of Management and Budget (“OMB”) violated the Paperwork Reduction Act and the Electronic Signatures in Global and National Commerce Act.

Chronology:

July 2001 – Over six months after the submission of applications with the SLD, CEBPR received Notices from SLD that Applications of 86 of its member institutions were rejected for being late-filed outside the close of the filing window.

August 8, 2001 – CEBPR filed Request for Waiver of Filing Deadline with SLD on behalf of 44 CEBPR member institutions for which it received initial rejections.

August 14, 2001 – Without providing any written decision, SLD rejected CEBPR August 8, 2001 Request for Waiver of Filing Deadline on behalf of 44 CEBPR members.

August 23, 2001 – CEBPR filed Request for Review and Waiver with the FCC on behalf of 42 CEBPR member institutions that received Notices from SLD rejecting applications for being late filed. The Commission has not yet acted on this Request for Review and Waiver.

September 7, 2001 – CEBPR filed second Request for Review and Waiver with the FCC on behalf of 44 CEBPR member institutions that received Notices from SLD rejecting applications for being late filed, for which earlier SLD Request for Waiver was filed. The Commission has not yet acted on this Request for Review and Waiver.

November 28, 2001 – Over 11 months after the submission of applications with the SLD, CEBPR received Notices from SLD that Applications of 54 additional member institutions were rejected for being late-filed outside the close of the filing window.

December 27, 2001 – CEBPR filed third Request for Review and Waiver with the FCC on behalf of additional 54 CEBPR member institutions that received Notices from SLD rejecting applications for being late filed. The Commission has not yet acted on this Request for Review and Waiver.

February 28, 2002 – CEBPR filed Supplement to Request for Review and Waiver with the FCC on behalf of all 140 CEBPR member institutions denied funding by SLD.

June 7, 2002 – CEBPR filed with the FCC copy of Presentation made on May 30, 2002 by CEBPR to FCC's Office of General Counsel showing that SLD failed to request OMB approval for new Year 4 filing procedures imposed on CEBPR member applications.

Program Year 5 (2002-2003)

PROBLEM 1 SUMMARY: SLD failed to process and grant Applications timely filed by 62 qualified CEBPR member Applicants for Year 5 funding for unknown reasons. The SLD put all CEBPR member Applicants through a multi-stage selective review process. Even after 62 CEBPR member institutions fully complied with the SLD multi-stage selective review process and demonstrated full compliance with program requirements and qualifications, the SLD failed to issue any funding commitment decision letters granting funding to such applicants. No Applications have been granted to date.

Chronology:

May 9, 2002 – SLD forwards Selective Review Request to CEBPR for all CEBPR member Applicants (approximately 120 Applicants) requesting information re CEBPR member institutions effective use of E-Rate funds requested. Approximately 90 CEBPR member institutions complied with this request on a timely basis and submitted responses to SLD (approximately 30 did not have the resources to respond and were forced to drop out of the E-Rate program).

August 9, 2002 – SLD forwards follow-up to May 9, 2002 Selective Review Request seeking more specific information from CEBPR member Institutions re effective use of E-Rate Funds requested. 62 CEBPR member institutions fully and completely complied with this request on a timely basis and submitted responses to SLD (approximately 30 more did not have the resources to respond and were forced to drop out of the E-Rate program).

PROBLEM 2 SUMMARY: 4 out of 62 Applications for Year 5 funding by CEBPR member Applicants that were still pending after the second stage of the SLD's Selective Review Process of CEBPR member institutions were denied funding by SLD for various unsubstantiated reasons. The SLD began denying funding of CEBPR member

applications for various reasons as outlined in the Appeals filed by CEBPR (see below), but then discontinued processing CEBPR member applications and issuing further funding commitment decision letters altogether. No Applications have been granted to date.

Chronology:

October 8, 2002 – SLD Funding Commitment Decision letters released to Escuela Evangelica Unida de Fajardo (App. No. 329287), Colegio San Antonio (App. No. 329300), and Colegio Tomas Alva Edison (App. No. 329371) denying funding requests for various unsubstantiated reasons.

December 6, 2002 – CEBPR filed an appeal with SLD on behalf of Escuela Evangelica Unida de Fajardo, Colegio San Antonio, and Colegio Tomas Alva Edison demonstrating that all SLD reasons cited in the funding commitment decision letters to these institutions as justifications for the denial of funding were without merit and that the applications should be reinstated for processing. This appeal has not yet been acted upon by SLD.

December 16, 2002 – SLD Funding Commitment Decision letter released to Biblioteca Publica San Lorenzo (App. No. 329385) denying funding request for various unsubstantiated reasons.

February 12, 2003 – CEBPR filed an appeal with the SLD on behalf of Biblioteca Publica San Lorenzo demonstrating that all SLD reasons cited in the funding commitment decision letter to this institution as justifications for the denial of funding were without merit and that the application should be reinstated for processing. This appeal has not yet been acted upon by SLD.

Program Year 6 (2003-2004)

PROBLEM SUMMARY: SLD outright rejected all timely filed applications of CEBPR member institutions (60 institutions) claiming that the funding request numbers (FRNs) are for a request for telecommunications services from a service provider that is not a common carrier.

Chronology:

June 9, 2003 – SLD releases Funding Commitment Decision letters to all CEBPR member institutions (60) that filed applications for Year 6 E-Rate funds rejecting funding of the FRNs related to HITN.

August 6, 2003 – CEBPR filed an appeal with the SLD on behalf of all 60 CEBPR member institutions that received Year 6 funding commitment decision letters denying funding. This appeal establishes HITN is an authorized satellite common carrier and therefore SLD's action in denying the funding to CEBPR institutions was improper and

the applications should be immediately reinstated for processing and grant. This appeal has not yet been acted upon by SLD.

ATTACHMENT 2

Graphics Off



The Universal Service Administrative Company

Home High Cost Low Income Rural Health Care Schools & Libraries

Overview

About the SLD

Applicants

Process Flowchart
Timetable/Deadlines

Service Providers

Conference Calls
Provider Manual
Invoicing
Disbursements

Tools

Commitments Search
Data Requests
Form 471 Application Status
Billed Entity Search
SPIN Search
FRN Extensions

Forms

Applicants PIN Request System
Apply Online
Applicant Forms
Provider Forms

SL Main > Reference Area > Item 21 Attachments For Form 471



Item 21 Attachments For Form 471

1. [Item 21 Attachment Overview](#)
2. [Item 21 Attachment Examples](#)
3. [How to File the Item 21 Attachment](#)
4. [Additional Suggestions for the Item 21 Attachment](#)

Each Form 471 Block 5 Discount Funding Request must include a description of the products and services for which discounts are being sought. This description is known as an "Item 21 Attachment."

Clear and complete Item 21 Attachments allow an efficient review of funding requests so that prompt funding decisions can be made. Incomplete or unclear Item 21 Attachments slow the decision process, to the detriment of applicants and service providers.

1. Item 21 Attachment Overview

Several different formats are possible for the Item 21 Attachment. The Attachment is generally a line item listing of the products and/or services requested, with associated costs, and preferably includes a narrative description of the purpose of the funding request, and any special conditions that apply.

Applicants often receive the assistance of service providers in creating the Attachment, which can consist of one or more of the following:

- Applicant-provided documentation
- A quote or bill from the vendor
- A copy of the contract for the service

Regardless of the specific format utilized, the Item 21 Attachment should include the following type of information:

Quantity	Product or Service Description	Unit Cost	Extended Pre-discount Cost	
			Recurring	Non-Recurring

QUICK LINKS

- ▶ **Apply Online**
- [Reference Area](#)
- [Appeals](#)
- [Eligible Services List](#)
- [Changes & Corrections](#)
- [Suspensions & Debarments](#)
- [Waste, Fraud, & Abuse Task Force](#)

SITE SEARCH

[Search Tips](#)

CONTACT INFO

- ▶ **Submit a Question**
- [Contact Us](#)
- [Whistleblower Hotline - Report Waste, Fraud, & Abuse](#)

SITE HELP

- [Get Help!](#)
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information about each of these conditions.)

- When not otherwise clear from the other information provided, a calculation that shows whether or not up-front capital charges of on-site components are less than 67% of total charges requested.
- For situations in which the equipment configuration is not clear from other information submitted, a network diagram may be required that shows how the components are interconnected with an applicant's internal connections components.

In cases where all the above components are not provided, SLD may request further information during review of the application. To view an Item 21 Attachment that specifies on-premise Priority 1 components, [click here](#). For further information about this subject, see [On-Premise Priority 1 Equipment](#) posted in the Reference Area of this web site.

- **Remote access equipment.** SLD program rules do not allow funding for products or services that allow ineligible locations to obtain data connectivity into an applicant's network. A product that is capable of providing such a remote access capability can be eligible for discounts only if the applicant provides a certification that it will not be available for ineligible purposes. [Click here](#) to view an Item 21 Attachment that includes the appropriate certification. For further information, see the entry for "Remote Access Router" in the SLD's [Eligible Services List](#).

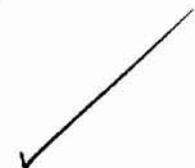
3. How to File the Item 21 Attachment

The Item 21 Attachment can be submitted to SLD by e-mail, by fax, by U.S. mail or courier, or as a part of a manually filed Form 471 application. The attachment should include this information:

- A label of "Form 471 Item 21 Attachment"
- The applicant's name
- The Attachment Number you have assigned

Additionally, if the Item 21 Attachment is being submitted separately from the Form 471, then the Attachment or a cover letter must also include:

- The applicant's Billed Entity Number
- The Form 471 application number, if one has been assigned through electronic filing. or the Form 471



Applicant Form Identifier, if the Form 471 has been filed manually.

The Item 21 Attachment need not be submitted within the "Form 471 filing window." However, it must be filed in a timely fashion so that SLD can review the information and make a determination of product and service eligibility.

Applicants who already have been contacted by a member of the SLD review team about a submitted Form 471 should send the Item 21 Attachment to the e-mail address or fax number that the SLD review team member provides. Otherwise, Item 21 Attachments should be submitted in either of the following ways.

Send submissions by e-mail to attachments@sl.universalservice.org. (Do not send submissions other than Form 471 Item 21 Attachments to this e-mail address.) Documents may be sent in most commercially available word processing or spreadsheet formats. Scanned documents may also be sent. (TIF file format is preferred.) Total file size of the e-mail message must be limited to less than 10 Megabytes. If you have more than one Form 471 application, do not combine Item 21 Attachments from multiple Form 471 applications in the same e-mail message.

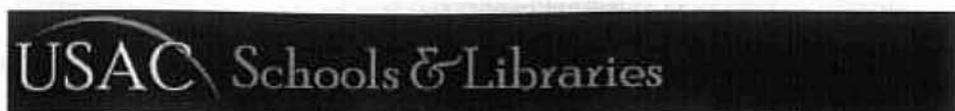
Send fax submissions to (973) 599-6511. (Do not send submissions other than Form 471 Item 21 Attachments to this fax number.)

Send U.S. mail submissions to SLD-Form 471, P. O. Box 7026, Lawrence, Kansas 66044-7026. For courier delivery services or U.S. Postal Service Return Receipt Requested, send to SLD-Form 471, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046.

4. Additional Suggestions for the Item 21 Attachment

The many products and services potentially eligible for discounts under the Schools and Libraries Support Mechanism must be used for an eligible purpose by eligible entities at eligible locations. The Item 21 Attachment is the applicant's opportunity to provide sufficient information so that the funding request will be deemed eligible.

All certifications provided as a part of the Form 471 also apply to the Item 21 Attachment, including certifications of compliance with state and local procurement laws and compliance with Schools and Libraries Support Mechanism program rules. Misrepresentations on the Item 21 Attachment can result in the administrative and criminal penalties described in Block C of Form 471.



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[What' New Archive]

January 2000

Please click on the topic below to view the most recent announcements:

- [Certification Deadline Extended](#) (01/25/2000)
- [REMINDER!! January 26, 2000, 11:59 PM EST Deadline for Filing Block 6 Certifications and Signature Page of Form 471](#) (01/24/2000)
- [Website Letter](#) (01/20/2000)
- [All Technical Issues Have Been Corrected!](#) (01/18/2000)
- [Spin Support for Online Filers!](#) (01/18/2000)
- [Updated Flexibility for Using State Master Contracts](#) (01/15/2000)
- [Directions to the NCS facility in Lawrence, KS for those wanting to deliver applications in person](#) (01/15/2000)
- [Additional Help for On-Line Filers](#) (01/14/2000)
- [Electronic Filers Note! SLD Must Receive Your Signed Certification Forms by January 26!](#) (01/14/2000)
- [Update: December 15 Deadline for Submitting BEAR Forms & Service Provider Invoices for Year 1](#) (01/12/2000)
- [New Flexibility for Using State Master Contracts](#) (01/12/2000)
- [SLD Client Service Bureau Open January 15, 16 and 17 to Assist Applicants](#) (01/11/2000)
- [Year 2 Cumulative Funding Commitment Data is now](#)

- [SL Overview](#)
- [Applicants](#) ▾
- [Service Providers](#) ▾
- [Reference Area](#)
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Task Force on the Prevention of Waste, Fraud and Abuse

19 to receive your application at the South entrance of this facility.

- As you depart KCI airport, follow all signs that indicate I-29 North or Topeka.
- Once on I-29 North, seek out the signs for I-435 West. Make sure you stay in the right lane. Once you are on I-435 West, it will change to I-435 South: you will stay on this road for approximately 25 miles.
- Stay on I-435 West, until you see signs for K-10 (Lawrence)
- Take K-10 (Lawrence) for about 20 - 25 miles.
- Once you approach Lawrence, the speed limit will reduce to 65 mph. You will need to stay in the right lane.
- You will see a blue sign indicating East Hills Business Park, make a right into the Business Park. At the stop sign you will make a right again. You are looking for a building named NCS (National Computer Systems).
- NCS is around the curve at the bottom of the hill.

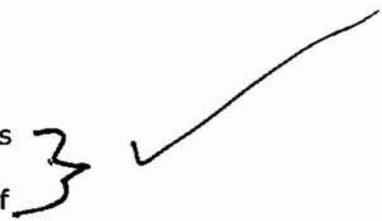
Additional Help for On-Line Filers (01/14/2000)	Top of Page
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Beginning Saturday, January 14, 2000, the SLD web site will be available for on-line filers from 6 a.m. to 2 a.m. EST. These on-line filing hours will continue until Wednesday, January 19, when the web site will be available from 6 a.m. to 11:59 p.m. EST, the close of the Form 471 filing window.

Electronic Filers Note! SLD Must Receive Your Signed Certification Forms by January 26! (01/14/2000)	Top of Page
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The active use of electronic filing of FCC Forms 471 is good news for applicants and SLD alike, facilitating SLD's processing of your application once filed. We regret that system performance has slowed down in light of heavy volume, and are taking steps to rectify this performance problem.

On-line applicants are reminded, however, that no FCC Form 471 is complete without Block 6: a completed and signed certification form. SLD must receive your certification forms in Kansas at one of the addresses below:



If regular postal service:

SLD-Form 471
P.O.Box 7026
Lawrence, KS 66044-7026



USAC

High Cost

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Rural Health Care

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What's New!

FCC Form 471 Window Opens for Year 5 Applicants; Filing Requirements Established (11/5/01)

Today, Monday, November 5, 2001 at noon EST, the Form 471 application filing window for Funding Year 5 (July 1, 2002 - June 30, 2003) will open.

The window will remain open for seventy-four (74) calendar days and will close on Thursday, January 17, 2002 at 11:59 p.m. EST.

Following are the Form 471 filing requirements for Funding Year 5:

1. **Application Materials:** The following materials associated with Funding Year 5 Form 471 must be received by 11:59 p.m. EST on January 17, 2002 or postmarked on or before January 17, 2002 in order for the request to receive consideration as inside the window. These materials are:
 - o The Form 471 itself (whether electronic or paper)
 - o The Block 6 certification of the Form 471 with the signature of the authorized person (whether electronic or paper)
 - o The Block 5 certification of any Form 470 cited in a Funding Year 5 Form 471 with the signature of the authorized person (whether electronic or paper).

2. **Item 21 Attachment Labeling:** Label your attachment as "Item 21 Attachment," and include the application number of the Form 471 it supports, or use the Applicant Form Identifier if you file manually. Be sure to label the attachment to correspond with each Block 5, Item (21) of your application.

Form 470 certification: A completed Form 470 certification is a Block 5 certification with the signature of the authorized person. Forms 470 with completed certifications submitted in a previous year meet this requirement, as do those filed for Year 5 and submitted to the SLD with a postmark date on or before January 17, 2002. Any Year 5 Form 471 Block 5 funding request based on a Form 470 whose certification has not been received by 11:59 p.m. EST on January 17, 2002 or postmarked on or before January 17, 2002 will be rejected.

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January 17, 2002 deadline: Failure to make the January 17, 2002 deadline for Form 471 application materials will place the entire application outside the window, and the applicant's funding will be jeopardized.

The Funding Year 5 FCC Forms 470 and 471 may be filed online or downloaded for manual filing. The forms are also available via mail by calling our Client Service Bureau at 1-888-203-8100.

Applicants who have completed the FCC Form 470 28-day posting period, and have selected their vendors for tariffed or month-to-month services and/or have executed contracts for contractual services, may submit the FCC Form 471, Services Ordered and Certification Form, to the SLD.

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ATTACHMENT 3



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

Unofficial Copy

Name HISPANIC INFORMATION & TELECOMMUNICATIONS Callsign: E960197
 (d/b/a) File Number: SES-LIC-19960308-01676
 Authorization License
 Common Carrier Grant Date: 05/24/1996 Expiration Date: 05/24/2006

Nature Of Service: International Fixed Satellite Service
 Class Of Station: Fixed Earth Stations

A) Site Location(s)

#	Site ID	Address	Latitude	Longitude	Elevation (Meters)	NAD	Special Provisions (Refer to Section H)
1)	1	BUILDING 292, BROOKLYN NAVY BROOKLYN, KINGS, NY	40°2'17.0"N	73°08'17.0"W	5.1		

Licensee certifies antenna(s) comply with gain patterns specified in Section 25.209

Subject to the provisions of the Communications Act of 1934, The Communications Satellite Act of 1962, subsequent acts and treaties, and all present and future regulations made by this Commission, and further subject to the conditions and requirements set forth in this license, the grantee is authorized to construct, use and operate the radio facilities described below for radio communications for the term beginning Friday, May 24, 1996 (3 AM Eastern Standard Time) and ending Wednesday, May 24, 2006 (3 AM Eastern Standard Time). The required date of completion of construction and commencement of operation is Saturday, May 24, 1997 (3 AM Eastern Standard Time). Grantee must file with the Commission a certification upon completion of construction and commencement of operation.

B) Particulars of Operations

The General Provision 1010 applies to all receiving frequency bands.
 The General Provision 1900 applies to all transmitting frequency bands.
 For the text of these provisions, refer to Section H.

#	Frequency	Polarization	Emission	Tx/Rx Mode	Max EIRP /Carrier	Max EIRP Density	Associated Antenna	Special Provisions (Refer to Section H)	Modulation/ Services
1)	6205.0000 - 6245.0000	L,R	8M00G7W	T	75.50	42.50	1	1900 5630	
2)	6205.0000 - 6245.0000	L,R	36M0G7W	T	76.00	36.50	1	1900 5630	
3)	3700.0000 - 4200.0000	L,R	8M00G7W	R			1	1010 5630	
4)	3700.0000 - 4200.0000	L,R	36M0G7W	R			1	1010 5630	



UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
RADIO STATION AUTHORIZATION

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Callsign: E960197

File Number: SES-LIC-19960308-01676

Authorization License

Common Carrier Grant Date: 05/24/1999 Expiration Date: 05/24/2006

C) Frequency Coordination

#	Frequency Limits (MHz)	Satellite Arc (Deg. Long.)		Elevation (Degrees)		Azimuth (Degrees)		Max EIRP Density toward Horizon (dBW/4kHz)	Associated Antenna(s)
		East Limit	West Limit	East Limit	West Limit	East Limit	West Limit		
		1)	6205.0000 - 6245.0000	50.0W	-56.0W	36.9	-39.4		
2)	3700.0000 - 4200.0000	50.0W	-56.0W	36.9	-39.4	145.7	-153.6	0.0	1

D) Point of Communications

The following stations located in the Satellite orbits consistent with Sections B and C of this License:

- 1) 1 to INTELSAT

E) Antenna Facilities

Site/Elevation: 5.09 (Meters) AMSL

Site ID	Antenna ID	Units	Diameter (meters)	Manufacture	Model number	Max Antenna Height (Meters)	Special Provisions (Refer to Section H)
1	1	1	9	VERTEX	9KPC	9.97 AGL/ 15.06 AMSL	

Max Gains(s): 50.0 dBi @ 4.0000 GHz 53.5 dBi @ 6.0000 GHz

Maximum total input power at antenna flange (Watts) = 177.83

Maximum aggregate output EIRP for all carriers (dBW) 76.00

F) Remote Control

1 Callsign: E96019

H) Special and General Provisions

A) This RADIO STATION AUTHORIZATION is granted subject to the following special

- 1010 Applicable to all receiving frequency bands. Emission designator indicates the maximum bandwidth of received signal at associated station(s). Maximum EIRP and maximum EIRP density are not applicable to receive operations.
- 1900 Applicable to all transmitting frequency bands. Authority is granted to transmit any number of RF carriers with the specified parameters on any discrete frequencies within associated band in accordance with the other terms and conditions of this authorization, subject to any additional limitations that may be required to avoid unacceptable levels of inter-satellite interference.



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RADIO STATION AUTHORIZATION

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Call sign: E960197

File Number: SES-LIC-19960308-01676

Authorization License

Common Carrier Grant Date: 05/24/199 Expiration Date: 05/24/2006

H) Special and General Provisions

- 2605 Licensee is authorized to provide services between the United States and Foreign countries listed in its underlying application via the authorized non-U.S. satellites.
- 2607 Licensee is authorized to provide digital video and digital compressed video between its subject earth station located at New York and five domestic receive-only earth station sites in Orlando, FL, Houston, TX, New York, NY, Riverside, CA and Philadelphia, PA, as an incidental part of its international television network.
- 5011 The Licensee(s) shall maintain on file with the Commission a current list or plan of the precise frequencies in use at the station, specifying for each frequency the RF center frequency, polarization, emission designator, nominal EIRP (in dBW) and maximum EIRP density (in dBW/4kHz). This list or plan may be submitted either on a station-by-station basis or on a system-wide basis and shall be updated within seven (7) days of any changes in frequency usage at this station. The Licensee(s) need not notify the Commission of temporary usage of frequencies for periods of less than seven (7) days. However, the Licensee(s) shall maintain accurate station records of the times and particulars of such temporary frequency usage.
- 5012 The authority granted here is limited to the operation of the facilities described above and does not include any authority to install and operate channelizing equipment or any other authority under Section 214 of the Communications Act of 1934, as amended, to establish channels of communications.
- 5013 In the event of the failure of a satellite with which operations are authorized in Section D of this license, operations are authorized in conjunction with the authorized INTELSAT satellite in the affected Ocean Region that provides the services authorized herein in order to maintain the continuity of commercial service; provided that the licensee(s) immediately notify the Commission of the nature of this emergency and its expected duration; and provided that the operational limits of elevation angle and azimuth range specified in Section C of this license are not exceeded. In the event that such emergency operations require emissions not specified in Section B of this license, such emissions may be utilized provided that the EIRP's of such emissions do not exceed the limits set forth in this license.
- 5014 With respect to potential co-channel interference to or from terrestrial microwave radio stations, the transmit and receive frequency bands listed in this license have been cleared for transmissions to and from satellites located in the geostationary or non-geostationary orbit for the emissions designated in Section B of this license.
- 5015 Upon completion of construction, each licensee must file with the Commission a certification including the following information: name of the licensee, file number of the application, call sign of the antenna, date of the license and certification that the facility as authorized has been completed, that each antenna facility has been tested and is within 2 dB of the pattern specified in Section 25.209 and that the station is operational including the date of commencement of service and will remain operational during the license period unless the license is submitted for cancellation.



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RADIO STATION AUTHORIZATION

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Callsign: E960197

File Number: SES-LIC-19960308-01676

Authorization License

Common Carrier Grant Date: 05/24/1999 Expiration Date: 05/24/2006

H) Special and General Provisions

- 5017 Operation of this station is governed by the terms, conditions and limitations in Part 25 of the Commission's Rules and Regulations and the following additional conditions: 1. This license shall not vest in the Licensee(s) any right to operate the station or any right in the use of the frequencies designated in the license beyond its term or in any other manner than authorized in the license; 2. Neither the license nor the right granted under it shall be assigned or otherwise transferred in violation of the Commission's Rules and Regulations issued under it; and 3. This station is subject to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended.
- 5018 This license shall be forfeited automatically if this station is not ready for operation within the time specified unless, prior to the expiration date of this license, the Commission receives an Application for Additional Time to Construct a Radio Station (FCC Form 701) filed by the Licensee(s) showing good cause why the Licensee(s) could not complete construction on time.
- 5202 Use of this facility to provide international service on a common carrier basis will require appropriate authorization under Section 214 of the Communication Act of 1934, as amended.
- 5215 All operations shall be on a common carrier basis
- 5630 International services shall be consistent with this emission designator, the underlying title III application(s) and the acquisition of any necessary Section 214 authority.



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RADIO STATION AUTHORIZATION

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Call sign: E960197

File Number: SES-LIC-19960308-01676

Authorization License

Common Carrier

Grant Date: 05/24/199

Expiration Date: 05/24/2006

H) Special and General Provisions

B) This RADIO STATION AUTHORIZATION is granted subject to the

This authorization is issued on the grantee's representation that the statements contained in the application are true and that the undertakings described will be carried out in good faith.

This authorization shall not be construed in any manner as a finding by the Commission on the question of marking or lighting of the antenna system should future conditions require. The grantee expressly agrees to install such marking or lighting as the Commission may require under the provisions of Section 303(q) of the Communications Act. 47 U.S.C. § 303(q).

Neither this authorization nor the right granted by this authorization shall be assigned or otherwise transferred to any person, firm, company or corporation without the written consent of the Commission. This authorization is subject to the right of use or control by the government of the United States conferred by Section 706 of the Communications Act. 47 U.S.C. § 706. Operation of this station is governed by Part 25 of the Commission's Rules. 47 C.F.R. Part 25.

This authorization shall not vest in the licensee any right to operate this station nor any right in the use of the designated frequencies beyond the term of this license, nor in any other manner than authorized herein.

This authorization is issued on the grantee's representation that the station is in compliance with environmental requirements set forth in Section 1.1307 of the Commission's Rules. 47 C.F.R. § 1.1307.

This authorization is issued on the grantee's representation that the station is in compliance with the Federal Aviation Administration (FAA) requirements as set forth in Section 17.4 of the Commission's Rules. 47 C.F.R. § 17.4.

The following condition applies when this authorization permits construction of or modifies the construction permit of a radio station.

This authorization shall be automatically forfeited if the station is not ready for operation by the required date of completion of construction unless an application for modification of construction permit for additional time to complete construction is filed by that date, together with a showing that failure to complete construction by the required date was due to factors not under control of the grantee.

Licensees are required to pay annual regulatory fees related to this authorization. The requirement to collect annual regulatory fees from regulates is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993". These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities. The Commission issues a Report and Order each year, setting the new regulatory fee rates. Receive only earth stations are exempt from payment of regulatory fees.



**UNITED STATES OF AMERICA
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RADIO STATION AUTHORIZATION**

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS Callsign: E970175
 (d/b/a) File Number: SES-MOD-20010125-00221
 Authorization Modification of License
 Common Carrier Grant Date: 03/26/2001 Expiration Date: 08/22/2007

Nature Of Service: Domestic Fixed Satellite Service
 Class Of Station: Fixed Earth Stations

A) Site Location(s)

#	Site ID	Address	Latitude	Longitude	Elevation (Meters)	NAD	Special Provisions (Refer to Section H)
1)	1	BUILDING 292, BROOKLYN NAVY BROOKLYN, KINGS, NY	40°1'55.0"N	73°08'17.0"W	2.7	27	

Licensee certifies antenna(s) comply with gain patterns specified in Section 25.209

Subject to the provisions of the Communications Act of 1934, The Communications Satellite Act of 1962, subsequent acts and treaties, and all present and future regulations made by this Commission, and further subject to the conditions and requirements set forth in this license, the grantee is authorized to construct, use and operate the radio facilities described below for radio communications for the term beginning Friday, August 22, 1997 (3 AM Eastern Standard Time) and ending Wednesday, August 22, 2007 (3 AM Eastern Standard Time). The required date of completion of construction and commencement of operation is Tuesday, August 22, 2000 (3 AM Eastern Standard Time). Grantee must file with the Commission a certification upon completion of construction and commencement of operation.

B) Particulars of Operations

The General Provision 1010 applies to all receiving frequency bands.
 The General Provision 1900 applies to all transmitting frequency bands.
 For the text of these provisions, refer to Section H.

#	Frequency	Polarization	Emission	Tx/Rx Mode	Max EIRP /Carrier	Max EIRP Density	Associated Antenna	Special Provisions (Refer to Section H)	Modulation/ Services
1)	14000.0000 - 14500.0000	H,V	36M0F8W	T	79.80	40.20	1	1900	
2)	14000.0000 - 14500.0000	H,V	36M0G7W	T	79.80	40.20	1	1900	
3)	14000.0000 - 14500.0000	H,V	2M50G7W	T	79.80	51.80	1	1900	
4)	14000.0000 - 14500.0000	H,V	24M0F3F	T	79.80	42.00	1	1900	
5)	14000.0000 - 14500.0000	H,V	4M90G7W	T	79.80	48.90	1	1900	



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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Call sign: E970175

File Number: SES-MOD-20010125-00221

Authorization **Modification of License**
Common Carrier **Grant Date: 03/26/200** **Expiration Date:08/22/2007**

6)	14000.0000 - 14500.0000	H,V	6M50G7W	T	79.80	47.70	1	1900
7)	14000.0000 - 14500.0000	H,V	9M80G7W	T	79.80	45.90	1	1900
8)	14000.0000 - 14500.0000	H,V	24M0G7W	T	79.80	42.00	1	1900
9)	11700.0000 - 12200.0000	H,V	2M50G7W	R			1	1010
10)	11700.0000 - 12200.0000	H,V	24M0F3F	R			1	1010
11)	11700.0000 - 12200.0000	H,V	4M90G7W	R			1	1010
12)	11700.0000 - 12200.0000	H,V	6M50G7W	R			1	1010
13)	11700.0000 - 12200.0000	H,V	9M80G7W	R			1	1010
14)	11700.0000 - 12200.0000	H,V	24M0G7W	R			1	1010
15)	11700.0000 - 12200.0000	H,V	36M0F8W	R			1	1010
16)	11700.0000 - 12200.0000	H,V	36M0G7W	R			1	1010

C) Frequency Coordination

#	Frequency Limits (MHz)	Satellite Arc (Deg. Long.)		Elevation (Degrees)		Azimuth (Degrees)		Max EIRP Density toward Horizon (dBW/4kHz)	Associated Antenna(s)
		East Limit	West Limit	East Limit	West Limit	East Limit	West Limit		
1)	14000.0000 - 14500.0000	62.0W	146.0W	41.4	04.9	161.9	258.1	7.8	1
2)	11700.0000 - 12200.0000	62.0W	146.0W	41.4	04.9	161.9	258.1	0.0	1

D) Point of Communications

Page 2 The following stations located in the Satellite orbits consistent with Sections B and C of this License:



**UNITED STATES OF AMERICA
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RADIO STATION AUTHORIZATION**

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Name HISPANIC INFORMATION & TELECOMMUNICATIONS **Callsign:** E970175
File Number: SES-MOD-20010125-00221
Authorization Modification of License
Common Carrier **Grant Date:** 03/26/200 **Expiration Date:** 08/22/2007

1) 1 to All authorized U.S. Domestic (ALSAT) Satellites.

E) Antenna Facilities

Site/Elevation: 2.7 (Meters) AMSL

Site ID	Antenna ID	Units	Diameter (meters)	Manufacture	Model number	Max Antenna Height (Meters)	Special Provisions (Refer to Section H)
1	1	2	4.6	ANDREW	ES46P	20.3 AGL/ 23 AMSL	

Max Gains(s): 53.8 dBi @ 12.0000 GHz 55.0 dBi @ 14.0000 GHz
Maximum total input power at antenna flange (Watts) = 300.00
Maximum aggregate output EIRP for all carriers (dBW) 79.80

H) Special and General Provisions

A) This RADIO STATION AUTHORIZATION is granted subject to the following special

- 1010 Applicable to all receiving frequency bands. Emission designator indicates the maximum bandwidth of received signal at associated station(s). Maximum EIRP and maximum EIRP density are not applicable to receive operations.
- 1900 Applicable to all transmitting frequency bands. Authority is granted to transmit any number of RF carriers with the specified parameters on any discrete frequencies within associated band in accordance with the other terms and conditions of this authorization, subject to any additional limitations that may be required to avoid unacceptable levels of inter-satellite interference.
- 2010 This authorization is issued pursuant to the Commission's Second Report and Order adopted June 16, 1972 (35 FCC 2d 844) and Memorandum, Opinion and Order adopted December 21, 1972 (38 FCC 2d 665) in Docket No. 16495 and is subject to the policies adopted in that proceeding.
- 2454 All satellite uplink transmissions carrying broadband video information shall comply with the Automatic Transmitter Identification System (ATIS) requirements of Section 25.281 of the Rules, as modified by FCC Report No. DS-1066, released on April 3, 1991.
- 2810 The grantee shall maintain on file with the Commission's current list or plan of the precise frequencies in actual use at this station, specifying for each such frequency: the r.f. center frequency, polarization, emission designator, EIRP (dBW), EIRP density (dBW/4kHz), and receiving earth station(s). This list or plan may be submitted either on a station-by-station basis or on a system-wide basis, and shall be updated within seven days of any changes in frequency usage at this station. Temporary usage of frequencies for periods of less than seven days need not be notified to the Commission if accurate station records are maintained of the times and particulars of such temporary frequency usage.
- 2916 Transmitter(s) must be turned off during antenna maintenance to ensure compliance with the FCC-specified safety guidelines for human exposure to radiofrequency radiation in the region between the antenna feed and the reflector. Appropriate measures must also be taken to restrict access to other regions in which the earth station's power flux density levels exceed the specified guidelines.



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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Call sign: E970175

File Number: SES-MOD-20010125-00221

Authorization Modification of License

Common Carrier Grant Date: 03/26/200 Expiration Date: 08/22/2007

H) Special and General Provisions

- 2938 Upon completion of construction, each licensee must file with the Commission a certification including the following information: name of the licensee, file number of the application, call sign of the antenna, date of the license and certification that the facility as authorized has been completed, that each antenna facility has been tested and is within 2 dB of the pattern specified in Section 25.209 and that the station is operational including the date of commencement of service and will remain operational during the license period unless the license is submitted for cancellation.
- 3219 All existing transmitting facilities, operations and devices regulated by the Commission must be in compliance with the Commission's radiofrequency (RF) exposure guidelines, pursuant to Section 1.1307(b)(1) through (b)(3) of the Commission's rules, or if not in compliance, file an Environmental Assessment (EA) as specified in Section 1.1311. See 47 CFR 1.1307 (b) (5).
- 5215 All operations shall be on a common carrier basis



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Name HISPANIC INFORMATION & TELECOMMUNICATIONS

Call sign: E970175

File Number: SES-MOD-20010125-00221

Authorization Modification of License

Common Carrier

Grant Date: 03/26/200

Expiration Date: 08/22/2007

H) Special and General Provisions

B) This RADIO STATION AUTHORIZATION is granted subject to the

This authorization is issued on the grantee's representation that the statements contained in the application are true and that the undertakings described will be carried out in good faith.

This authorization shall not be construed in any manner as a finding by the Commission on the question of marking or lighting of the antenna system should future conditions require. The grantee expressly agrees to install such marking or lighting as the Commission may require under the provisions of Section 303(q) of the Communications Act. 47 U.S.C. § 303(q).

Neither this authorization nor the right granted by this authorization shall be assigned or otherwise transferred to any person, firm, company or corporation without the written consent of the Commission. This authorization is subject to the right of use or control by the government of the United States conferred by Section 706 of the Communications Act. 47 U.S.C. § 706. Operation of this station is governed by Part 25 of the Commission's Rules. 47 C.F.R. Part 25.

This authorization shall not vest in the licensee any right to operate this station nor any right in the use of the designated frequencies beyond the term of this license, nor in any other manner than authorized herein.

This authorization is issued on the grantee's representation that the station is in compliance with environmental requirements set forth in Section 1.1307 of the Commission's Rules. 47 C.F.R. § 1.1307.

This authorization is issued on the grantee's representation that the station is in compliance with the Federal Aviation Administration (FAA) requirements as set forth in Section 17.4 of the Commission's Rules. 47 C.F.R. § 17.4.

The following condition applies when this authorization permits construction of or modifies the construction permit of a radio station.

This authorization shall be automatically forfeited if the station is not ready for operation by the required date of completion of construction unless an application for modification of construction permit for additional time to complete construction is filed by that date, together with a showing that failure to complete construction by the required date was due to factors not under control of the grantee.

Licensees are required to pay annual regulatory fees related to this authorization. The requirement to collect annual regulatory fees from regulates is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993". These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities. The Commission issues a Report and Order each year, setting the new regulatory fee rates. Receive only earth stations are exempt from payment of regulatory fees.