

OCT 16 2003

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

<b>In the Matter of the</b>	)	<b>File No. SLD -</b>
	)	
<b>Appeal of the Decision of the</b>	)	
	)	
<b>Universal Service Administrator by</b>	)	
<b>the</b>	)	
	)	
<b>Nicholas County School District</b>	)	
	)	
	)	<b>CC Docket No. 96 - 45</b>
<b>Federal-State Joint Board on</b>	)	
<b>Universal Service</b>	)	
<b>Changes to the Board of Directors of</b>	)	
<b>The National Exchange Carrier</b>	)	
<b>Association, Inc.</b>	)	<b>CC Docket No. 97 - 21</b>

**Appeal  
and  
Request for Expedited Relief  
on behalf of the  
Nicholas County School District**

October 14, 2003

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Suite TW-A325  
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.  
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number: 341461  
Funding Year 2003: 07/01/2003-06/30/2004  
Billed Entity Number: 126785

Date of Funding Denial Notice: August 25, 2003  
Date of Appeal: October 13, 2003

(2) **SLD Contact Information**

(a) Currie A. Sutton  
27600 Chagrin Blvd., Ste 260  
Cleveland, OH 44122  
Tel. (216) 682.0169  
Fax (216) 514-3337

(b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)  
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Cleveland, OH 44122  
Tel. (216) 514.4798

(3) **Funding Request Numbers Appealed**

FRN -982484

(4) **SLD's Reason for Funding Denial**

**FRN 982484**

The SLD stated that funding is denied because:

“Invalid Telecom Provider.”

(5) **Douglas Telecommunications, Inc. is a valid “Telecom” provider**

a) Based on the attached Document (Attachment A) from the website of the Federal Communications Commission, Douglas Telecommunications, Inc. is authorized by FCC regulations to “resale cellular service.” FCC mandates that resale of cellular service is allowed to occur. Further, Cellular providers are not allowed to restrict the resale of cellular service.

- b) In Attachment B, the FCC states its reasoning in allowing the resale of cellular service.
- c) The FCC recognized that the resale of cellular service would not only foster competition in the cellular market, but this would in fact help to lower the cost of cell service to the general public. But by virtue of the SLD's action in denying the Applicant's request for funds to cover cell service, the SLD has (1) contravened an FCC directive, (2) deny the Applicant access to a cellular provider that the FCC has authorized to provide cell service, and (3) potentially increased the Applicant's cost of purchasing cell service.
- d) **The requested amount should not have been denied.**

Conclusion:

**Nicholas is Requesting the Following Action by the FCC:**

**(a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN 982484.**

**(b) Set aside funds to totally fund Nicholas's request.**

Respectfully submitted,



Nathaniel Hawthorne

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Attorney for Nicholas County School District