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February 12, 2004

RUDOLPH J. GEIST, ESQ.

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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");
CC Docket Nos. 96-45, 97-21, and 02-6.

Dear Ms. Dortch:

On February 5 and February 6, 2004, Messrs. Gregory Rohde and Christopher McLean, principals of E-Copernicus, Jose Luis Rodriguez, President of Hispanic Information and Telecommunications Network, Inc. ("HITN"), and I, representing HITN, met with Commissioner Capps and his legal advisor, Jessica Rosenworcel, Commissioner Adelstein and his legal advisor, Scott Bergmann, Commissioner Martin and his legal advisor, Daniel Gonzalez, Christopher Libertelli, Senior Legal Advisor to Chairman Powell, Narda Jones, Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau ("WCB"), and Jennifer Schneider of the WCB to discuss matters related to the above-referenced Requests for Review. The discussions specifically related to issues outlined in the attached written presentation furnished to the Commissioners' at the meeting, as well as the summary outlined below.

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

1. Year 6 Appeal at the SLD is Ready for Disposition

HITN discussed two issues regarding the Year 6 Consorcio appeal pending at the Schools and Libraries Division ("SLD") that are now resolved and should permit the SLD to immediately make a favorable decision on the appeal. The first issue concerns whether HITN is an authorized common carrier, eligible to provide telecommunications services under the E-Rate program. The Consorcio demonstrated in its appeal that HITN is an authorized common carrier and filed copies of HITN's FCC satellite common carrier licenses with its appeal. The SLD subsequently requested that HITN file its Form 499A with the Universal Services Administrative Company ("USAC"). Because HITN is a non-profit entity serving non-profit entities and because HITN generates "de-minimis"

revenues, HITN is not required under FCC rules to file a Form 499A. However, to accommodate the SLD request, HITN filed its Form 499A for Year 2002 on February 11, 2004 with USAC, for which HITN reported zero revenue from the provision of telecommunications services during Year 2002(copy attached). HITN is in the process of preparing Form 499A for Year 2003 (which is not due at USAC until April 2003), and intends to file that form shortly after the date of this Notice (this filing will show de-minimis revenues from the provision of telecommunications services during Year 2003).

The second issue with respect to the Year 6 appeals at SLD concerns HITN's contract with the Year 6 Consorcio customers that applied for E-Rate funds. SLD has requested that HITN provide copies of its agreements with three of the Consorcio institutions for Year 6. HITN referred the matter to the Consorcio's counsel, Ramsey Woodworth, who replied to the SLD and furnished HITN invoices forwarded to three of the Consorcio institutions for Year 6 services that are being provided by HITN on a month-to-month basis, as permitted by SLD rules. In this instance, no written contract is necessary or required by SLD rules or policies in the case of the provision of month-to-month telecommunications services, and the SLD has been provided with sufficient documentation to demonstrate HITN's provision of telecommunications services on a month-to-month basis to the Consorcio entities.

Both issues regarding the Year 6 appeal should be resolved and a positive decision on the appeal is appropriate at this time.

2. Year 5 Applications Were Improperly Denied Based on Underlying ROFR Provision in 1998 HITN-Consortium Contract

HITN discussed that the existence of a right of first refusal ("ROFR") provision in the 1998 Master Services Agreement between HITN and the Consorcio in no way could have constituted a competitive bidding violation by the Consorcio member institutions applying for Year 5 funding – the principal reason cited by SLD in its denial of the applications – for several reasons (in addition to those already cited by the Consorcio in its Request for Review of the SLD decision, filed with the Commission on January 23, 2004).

First, there is no evidence that the ROFR provision in the underlying Master Services Agreement was even known to any bidder or prospective bidder. Without knowledge, the term can have no effect on the bidding by other interested bidders. The ROFR issue was never raised by a disappointed, unsuccessful or discouraged bidder. It was raised for the first time in the Year 5 rejection letter by SLD.

Second, nothing in the Telecommunications Act of 1996, the FCC Rules, the SLD and E-Rate rules, guidelines or precedents expressly prohibits or discourages ROFR provisions. If the FCC or SLD are to institute a policy on this matter, it must provide applicants, bidders and vendors sufficient notice to conform existing and future contracts and not operate as a "surprise" disqualification of properly prepared and highly audited applications.

Third, there is nothing in a ROFR term that undermines competitive bidding. A right of first refusal provision only serves to allow a losing bidder holding the ROFR to match the lowest bid accepted by the applicant, guaranteeing that the entity seeking bids receives the lowest possible price from either bidder. It also ensures that the applicant has an opportunity to select the highest quality service for the lowest possible price.

Fourth, to HITN's knowledge, virtually no entities other than HITN demonstrated an interest in servicing Consorcio members in the first five years of the program. The Consorcio competitively bid its request for services each of the first 5 years of the E-Rate program in Puerto Rico and received virtually no competing bids, as there was seemingly no other service provider(s) that could (or desired) to provide services to the Consorcio institutions, which are located in some of the most remote and mountainous regions of Puerto Rico -- so even if this provision could have been construed by the Consorcio in some way that would effect its decision to select another bidder, that was not the case here since there were no other bidders.

Fifth, in Year 6 an alternative provider entered the bidding process for the first time in the case of the Consorcio's participation in the E-Rate program. Year 6 (for which there is an appeal pending at SLD for Consorcio applications denied by SLD for reasons discussed above), was the first year a bona-fide alternative bidder made a proposal to the Consorcio to provide Internet access services. The fact that the alternative bidder entered the bidding competition after five years demonstrates that the ROFR did not serve as a short term or long term impediment to competitive bidding.

Sixth, the ROFR has never been exercised. In Year 6, the Consorcio selected the alternative bidder and HITN did not exercise its right of first refusal with respect to the other service provider's winning bid for the provision of Internet access -- thus demonstrating that the SLD rationale in this case regarding Year 5 is wrong from the standpoint of both whether the Consorcio would be disincentivized to select a bidder other than HITN or that another bidder would be disincentivized from bidding where an incumbent service provider holds a right to match a competing offer.

Even if the Commission determines that a right of first refusal provision in an agreement between an applicant and its service providers under the E-Rate program may serve to "dampen competition" and "compromise selection of the vendor", in this case the provision had no such effect, and was in fact proven both to not have been a factor in the Consorcio's decision to select a service provider other than HITN in Year 6, and to not affect HITN to exercise its right of first refusal. HITN has no complaint if the ROFR were prohibited prospectively. To apply it retroactively, especially under the factual circumstances discussed herein, would be a grave injustice and contrary to the Administrative Procedures Act and Commission Rules.

3.) The FCC has more than adequate grounds to grant the Consorcio's Year 4 Appeal

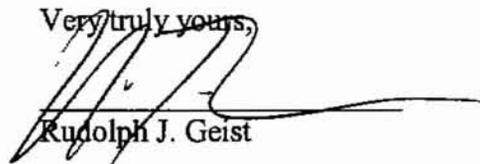
The Consorcio's Year 4 Appeal should be granted. In changing the procedures or rules for filing E-rate applications, without proper notice or review by the Office of Management and Budget, the SLD violated the Paperwork Reduction and Administrative Procedures Acts. An English language website change does not provide sufficient notice to Spanish speaking applicants. The Consorcio met the electronic filing deadline and submitted the written forms in conformance with prior year procedures. In the alternative, the FCC should consider waiving the requirement in this case given the fact that the Puerto Rico is a Spanish speaking Commonwealth of the United States; the Consorcio and HITN serve some of the poorest, most digitally disconnected and most rural citizens of the Commonwealth. The SLD English language website simply does not provide fair notice to members of the Consorcio.

Conclusion

As a non-profit entity providing distance learning, public interest television, Internet access and educational services to the Hispanic community, HITN is committed to do everything it can to serve the children of Puerto Rico. The barriers to funding that have been placed before the Consorcio and HITN are imposing heavy financial burdens on HITN and are robbing the children of Puerto Rico. HITN has provided quality services to poor, rural and remote areas of Puerto Rico, where no other service provider has stepped up to the plate to furnish services. We urge the FCC and SLD to act in the public interest to release E-rate funds to the Consorcio so that HITN can be fairly compensated for the quality services it has provided under very difficult circumstances over the past three program years.

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. To the extent this Notice is not considered timely filed, we hereby request a waiver of the requirement and further request that the Commission accepts this Notice for filing as this matter has not been contested by any party.

Very truly yours,



Rudolph J. Geist

cc: Narda Jones (via e-mail)
Jennifer Schneider (via e-mail)
Jessica Rosenworcel (via e-mail)
Scott Bergmann (via e-mail)
Daniel Gonzalez (via e-mail)
Christopher Libertelli (via e-mail)
Christopher McLean (via e-mail)
Gregory Rhode (via e-mail)
Jose Rodriguez (via e-mail)
George McDonald (via e-mail)
Catriona Ayer (via e-mail)
Ramsey L. Woodworth (via e-mail)

Attachments

HITN RECENT (PAST 4 YEARS) EXPERIENCE WITH E-RATE PROGRAM

Presented to Federal Communications Commission, February 5, 2004
(updated from October 2003 version)

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, 6 & 7

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.

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 under 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 and with respect to qualified applications on file the SLD has created major uncertainty for the institutions (many of which have not begun receiving any services) and unfair and difficult financial strain 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 the appropriate relief so they may continue deriving 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 to the vast majority of such applicants until November 24, 2003, approximately six months *after* the program year had ended – which denied 49 of the applications (4 were denied in October 2002 as is also discussed below).

Chronology:

May 9, 2001 – 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, 2001 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.

PROBLEM 3 SUMMARY: All remaining Applications for Year 5 funding by CEBPR member Applicants that were still pending nearly two years after they were filed, and after having complied fully with the SLD's Selective Review Process, were denied funding by SLD for various unsubstantiated reasons. No CEBPR Applications have been granted. Several CEBPR member applications still remain pending at SLD.

Chronology:

November 24, 2003 – SLD Funding Commitment Decision letter released to 49 additional CEBPR member institutions denying funding request for various unsubstantiated reasons.

January 23, 2004 – CEBPR filed a Request for Review with the Commission requesting the Commission reverse SLD's decision denying the funding based on SLD gross errors in processing the applications and interpreting its own rules and policies.

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 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.

Program Year 7 (2004-2005)

HITN was selected by 55 libraries and private schools to provide Internet access, Telecommunications Services and Internal Connections during Program Year 7. Only 77 Forms 470 were filed from the entire Commonwealth of Puerto Rico seeking E-Rate funding for Program Year 7, of which HITN made proposals to 64 such institutions and was selected as the service provider by 55. The vast majority of Puerto Rico schools and libraries stopped applying for E-Rate funding in Year 7 since Puerto Rico has been denied funding over the past three program years.

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Loretta J. Garcia
Of Counsel

February 10, 2004

USAC
Form 499 Data Collection Agent
Attn: Lori Terraciano
80 South Jefferson Road
Whippany, NJ 07981

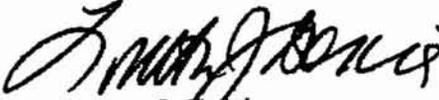
Re: FCC Form 499-A; Hispanic Information and Telecommunication
Network, Inc.

Dear Ms. Terraciano:

Enclosed is the 2002 FCC Form 499-A, Telecommunications Reporting
Worksheet, for Hispanic Information and Telecommunication Network, Inc. ("HITN")
HITN did not have revenues in 2002.

Please date-stamp the enclosed copy and return it in the envelope enclosed for
that purpose. If you have any questions about this submission, please contact the
undersigned.

Sincerely,



Loretta J. Garcia

Enclosures

Copy

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Approval by OMB
3060-0855

>>> Please read instructions before completing <<<

Annual Filing - due April 1.

Block 1: Contributor Identification Information

During the year, carriers must refile Blocks 1, 2 and 6 if there are any changes in Lines 104 or 112. See instructions.

101 Filer 499 ID (If you don't know your number, contact the administrator at (973)-580-4480. If you are a new filer, leave blank and a Filer 499 ID will be assigned to you.)		NEW
102 Legal name of reporting entity		Hispanic Information & Telecom. Network, Inc.
103 IRS employer identification number		133-11-2110
104 Name telecommunications service provider is doing business as		
105 Principal communications business (Check the one that best describes the reporting entity - see directions. Check one box only.)		
<input type="checkbox"/> CAP/LEC	<input type="checkbox"/> Cellular/PCS/SMR (wireless telephony incl. by resale)	<input type="checkbox"/> Incumbent LEC
<input type="checkbox"/> Local Reseller	<input type="checkbox"/> Operator Service Provider (OSP)	<input type="checkbox"/> Paging & Messaging
<input type="checkbox"/> Prepaid Card	<input type="checkbox"/> Private Service Provider	<input checked="" type="checkbox"/> Satellite Service Provider
<input type="checkbox"/> Shared-Tenant Service Provider / Building LEC	<input type="checkbox"/> SMR (dispatch)	<input type="checkbox"/> Toll Reseller
If Other Local, Other Mobile or Other Toll is checked, describe carrier type / services provided:		<input type="checkbox"/> Other Local
		<input type="checkbox"/> Other Mobile
		<input type="checkbox"/> Other Toll
106 Holding company (All affiliated companies must show the same name on this line.)		
107 FCC Registration Number (FRN) [https://svartfoss2.fcc.gov/corea/CoresHome.html] [For assistance, contact the CORES help desk at 877-480-3201 or CORES@fcc.gov]		0006-6203-48
108 Management company (if carrier is managed by another entity)		
109 Complete mailing address of reporting entity corporate headquarters		449 Broadway, Third Floor New York, NY 10013
110 Complete business address for customer inquiries and complaints (if different from address entered on Line 109)		
111 Telephone number for customer complaints and inquiries (Toll-free number if available)		
112 All trade names that you have used in the past 3 years in providing telecommunications services. This should include all names by which you are identified on customer bills.		
a		g
b		h
c		i
d		j
e		k
f		l
		m

Use an additional sheet if necessary. Each reporting entity must provide all names used for carrier activities.

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

2002 FCC Form 498-A Telecommunications Reporting Worksheet

Page 2

Block 2-A: Regulatory Contact Information

201 Filer 499 ID [from Line 101]	
202 Legal name of reporting entity [from Line 102]	Hispanic Information & Telecom Network, Inc.
203 Person who completed this worksheet	Loretta J. Garcia
204 Telephone number of this person	(301) 589-2999
205 Fax number of this person	(301) 589-2644
206 E-mail of this person	LGarcia@RJGLAW.COM
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	Mr. Steve Altman 449 Broadway, Third Floor New York, NY 10013
208 Billing address and billing contact person: (Plan administrators will send bills for contributions to this address. Please attach a written request for alternative billing arrangements.)	SAME

Block 2-B: Agent for Service of Process

All carriers must complete Lines 209 through 213.

During this year, carriers must refile Blocks 1, 2 and 6 if there are any changes in this section. See instructions.

209 D.C. Agent for Service of Process per 47 U.S.C. 413	Rudolph J. Geist
210 Telephone number of D.C. agent	(301) 589-2999
211 Fax number of D.C. agent	(301) 589-2644
212 E-mail of D.C. agent	RGeist@RJGLAW.COM
213 Complete business address of D.C. agent for hand service of documents	RJG Law, LLC 8401 Ramsey Avenue Silver Spring, MD 20910
214 Local/alternate Agent for Service of Process (optional)	Ramsey Woodworth
215 Telephone number of local/alternate agent	(202) 728-0400
216 Fax number of local/alternate agent	(202) 728-0354
217 E-mail of local/alternate agent	RWoodworth@ICTPC.COM
218 Complete business address of local/alternate agent for hand service of documents	Irwin Campbell & Tannenwald, PC 1730 Rhode Island Av, NW, Suite 200 Washington, DC 20036

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 498-A
February 2002

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Block 2-C: FCC Registration and Contact Information

Carriers must refile Blocks 1, 2 and 6 if there are any changes in this section. See instructions.

219 Filer 499 ID (from Line 101)	
220 Legal name of reporting entity (from Line 102)	Hispanic Information & Telecom. Network, Inc.
221 Chief Executive Officer (or, highest ranking company officer if the filing entity does not have a chief executive officer)	Jose Luis Rodriguez, President
222 Business address of individual named on Line 221	check if same as Line 109 <input checked="" type="checkbox"/>
223 Second ranking company officer, such as Chairman, but not the individual listed on Line 221	Richard Taub, Chief Financial Officer
224 Business address of individual named on Line 223	check if same as Line 109 <input checked="" type="checkbox"/>
225 Third ranking company officer, such as President or Secretary, but not either of the individuals listed on Lines 221 or 223	
226 Business address of individual named on Line 225	check if same as Line 109 <input type="checkbox"/>

227 Indicate jurisdictions in which the filing entity provides telecommunications service. Include jurisdictions in which service was provided in the past 15 months and jurisdictions in which service is likely to be provided in the next 12 months.

- | | | | | |
|---|---|--|---|--|
| <input type="checkbox"/> Alabama | <input type="checkbox"/> Guam | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> New York | <input type="checkbox"/> Tennessee |
| <input type="checkbox"/> Alaska | <input type="checkbox"/> Hawaii | <input type="checkbox"/> Michigan | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Texas |
| <input type="checkbox"/> American Samoa | <input type="checkbox"/> Idaho | <input type="checkbox"/> Midway Atoll | <input type="checkbox"/> North Dakota | <input type="checkbox"/> Utah |
| <input type="checkbox"/> Arizona | <input type="checkbox"/> Illinois | <input type="checkbox"/> Minnesota | <input type="checkbox"/> Northern Mariana Islands | <input type="checkbox"/> U.S. Virgin Islands |
| <input type="checkbox"/> Arkansas | <input type="checkbox"/> Indiana | <input type="checkbox"/> Mississippi | <input type="checkbox"/> Ohio | <input type="checkbox"/> Vermont |
| <input type="checkbox"/> California | <input type="checkbox"/> Iowa | <input type="checkbox"/> Missouri | <input type="checkbox"/> Oklahoma | <input type="checkbox"/> Virginia |
| <input type="checkbox"/> Colorado | <input type="checkbox"/> Johnston Atoll | <input type="checkbox"/> Montana | <input type="checkbox"/> Oregon | <input type="checkbox"/> Wake Island |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Kansas | <input type="checkbox"/> Nebraska | <input type="checkbox"/> Pennsylvania | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Delaware | <input type="checkbox"/> Kentucky | <input type="checkbox"/> Nevada | <input type="checkbox"/> Puerto Rico | <input type="checkbox"/> West Virginia |
| <input type="checkbox"/> District of Columbia | <input type="checkbox"/> Louisiana | <input type="checkbox"/> New Hampshire | <input type="checkbox"/> Rhode Island | <input type="checkbox"/> Wisconsin |
| <input type="checkbox"/> Florida | <input type="checkbox"/> Maine | <input type="checkbox"/> New Jersey | <input type="checkbox"/> South Carolina | <input type="checkbox"/> Wyoming |
| <input type="checkbox"/> Georgia | <input type="checkbox"/> Maryland | <input type="checkbox"/> New Mexico | <input type="checkbox"/> South Dakota | |

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

Block 3: Carrier's Carrier Revenue Information

301 Filer 499 ID [from Line 101]					
302 Legal name of reporting entity [from Line 102]	Hispanic Information & Telecom Network, Inc.				
Report billed revenues for January 1 through December 31, 2001. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.	Total Revenues (a)	If breakouts are not book amounts, enter whole percentage estimates		Breakouts	
See instructions regarding percent Interstate & International.		Interstate (b)	International (c)	Interstate Revenues (d)	International Revenues (e)
Revenues from Services Provided for Resale by Other Contributors to Federal Universal Service Support Mechanisms					
Fixed Local Services					
303 Monthly service, local calling, connection charges, vertical features, and other local exchange service including subscriber line and PICC charges to IXCs					
a Provided as unbundled network elements (UNEs)					
b Provided under other arrangements					
304 Per-minute charges for originating or terminating calls					
a Provided under state or federal access tariff					
b Provided as unbundled network elements or other contract arrangement					
305 Local private line & special access service					
306 Payphone compensation from toll carriers					
307 Other local telecommunications service revenues					
308 Universal service support revenues received from Federal or state sources					
Mobile services (includes wireless telephony, mobile & personal, and other mobile services)					
309 Monthly, activation, and message charges except toll					
Toll Services					
310 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)					
311 Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)					
312 Long distance private line services					
313 Satellite services					
314 All other long distance services					

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Block 4: End-User and Non-Telecommunications Revenue Information

401 Filer 499 ID [from Line 101]						
402 Legal name of reporting entity [from Line 102]		Hispanic Information & Telecom Network, Inc.				
Report billed revenues for January 1 through December 31, 2001. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars. See instructions regarding percent interstate & international.		Total Revenues (a)	if breakouts are not book amounts, enter whole percentage estimates		Breakouts	
			Interstate (b)	International (c)	Interstate Revenues (d)	International Revenues (e)
Revenues from All Other Sources (end-user telecom. & non-telecom.)						
403 Surcharges or other amounts on bills identified as recovering State or Federal universal service contributions						
<u>Fixed local services</u>						
404 Monthly service, local calling, connection charges, vertical features, and other local exchange service charges except for federally tariffed subscriber line charges and PICC charges						
405 PICC charges levied by a local exchange carrier on a no-PIC customer and Tariffed subscriber line charges						
406 Local private line and special access service						
407 Payphone coin revenues (local and long distance)						
408 Other local telecommunications service revenues						
<u>Mobile services (including wireless telephony, paging, & messaging, and other mobile services)</u>						
409 Monthly and activation charges						
410 Message charges including roaming, but excluding toll charges						
<u>Toll services</u>						
411 Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards						
412 International calls that both originate and terminate in foreign points			0%	100%		
413 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 412						
414 Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)						
415 Long distance private line services						
416 Satellite services		0				
417 All other long distance services						
418 Information services, inside wiring maintenance, billing and collection customer premises equipment, published directory, dark fiber, internet access, cable TV program transmission, foreign carrier operations, and non-telecommunications revenues. (See instructions.)						
419 Gross billed revenues from all sources (incl. reseller & non-telecom.) [Lines 303 through 314 plus Lines 403 through 418]		0				
420 Universal service contribution bases [Lines 403 through 411 & Lines 413 through 417]						

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

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Block 5: Additional Revenue Breakouts

501 Filer 499 ID (from Line 101)

502 Legal name of reporting entity (from Line 102)

Hispanic Information & Telecom Network, Inc.

Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 510. Filing entities that use Line 603 to certify that they are exempt from this requirement need not provide this information.

Percentage of revenues reported in Block 3 and Block 4 billed in each region of the country. Round or estimate to nearest whole percentage. Enter 0 if no service was provided in the region.

			Block 3 Carrier's Carrier (a)	Block 4 End-User Telecom. (b)
503	Southeast:	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	%	%
504	Western:	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming	%	%
505	West Coast:	California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.	%	%
506	Mid-Atlantic:	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	%	%
507	Mid-West:	Illinois, Indiana, Michigan, Ohio, and Wisconsin	%	%
508	Northeast:	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont	%	%
509	Southwest:	Arkansas, Kansas, Missouri, Oklahoma, and Texas	%	%
510	Total	[Percentages must add to 0 or 100.]	%	%

511 Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4, Line 420 but may be excluded from a filer's TRS, NANPA, LNP, and FCC interstate telephone service provider regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below.

Revenues from resellers that do not contribute to Universal Service

	(a)	(b)
	Total Revenues	Interstate and International
\$	0	0

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Block 6: CERTIFICATION: to be signed by an officer of the filer

601 Filer 499 ID [from Line 101] _____
 602 Legal name of reporting entity [from Line 102] Hispanic Information & Telecomm. Network, Inc.

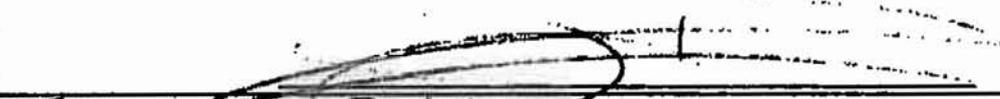
Section IV of the instructions provides information on which types of reporting entities are required to file for which purposes. Any entity claiming to be exempt from one or more contribution requirements should so certify below and attach an explanation. [The Universal Service Administrator will determine which entities meet the *de minimis* threshold based on information provided in Block 4, even if you fail to so certify, below.]

603 I certify that the reporting entity is exempt from contributing to: Universal Service TRS NANPA LNP Administration

Provide explanation below:

604 I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to Sections 0.459, 62.17, 54.711 and 64.604 of the Commission's Rules.

I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year. In addition, I swear, under penalty of perjury, that all requested identification registration information has been provided and is accurate.

605 Signature 

606 Printed name of officer Jose Luis Rodriguez

607 Position with reporting entity President

608 Date February 10, 2004

609 Check those that apply: Original April 1 filing for year New filer, registration only Revised filing with updated registration Revised filing with updated revenue data

Do not mail checks with this form. Send this form to: Form 499 c/o NECA, 80 South Jefferson Road, Whippany, New Jersey 07981
 For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet Information: (973) 580-4460 or via e-mail: Form499@neca.org

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