

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Request for Review by)	
)	
The New York State Office of Children)	
and Family Services)	
)	
of Decision of Universal Service Administrator)	
)	
Federal-State Joint Board on)	CC Docket No. 02-06
Universal Service)	

To: The Common Carrier Bureau

Re: New York State Office of Children and Family Services, Billed Entity No. 210254

**REQUEST FOR REVIEW BY
THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES
OF DECISION OF THE
UNIVERSAL SERVICE ADMINISTRATOR**

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518-474-9778**

March 10, 2004

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Attachment	Description of Attachment
A	OCFS' Letter of Appeal filed with the SLD on August 14, 2003

SUMMARY

The New York State Office of Children and Family Services (OCFS), by its attorneys and pursuant to Sections 54.719(c) and 54.721 of the Commission's rules, 47 CFR §§54.719(c), 54.721, hereby requests a review of the decision dated January 16, 2004, issued by the Administrator of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). OCFS' funding request for "Video Management" services was initially denied because OCFS' FCC Form 470 certification was not properly filed within the filing window.¹ For the reasons set forth below, presented in the alternative, the Commission should direct the SLD to accept OCFS' certification as having been properly filed during the filing window.

¹ See Form 471 Application #376340; Funding Request #1043280.

I. STATEMENT OF FACTS

Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.²

In order to receive discounts on eligible services, the Federal Communication Commission's (FCC) rules require that applicants submit a completed FCC Form 470³ to the SLD, in which the applicant sets forth its technological needs and the services for which it seeks discounts, or be part of a consortium that files a Form 470.⁴

The SLD procedures allow for FCC Form 470 to be submitted to the SLD, either electronically or on paper, utilizing traditional parcel methods.⁵ Regardless

Block 5 of the FCC Form 470. Applicants that filed their FCC Forms 470 electronically are instructed by SLD to either electronically sign the certification on Block 5 or to print out a Block 5 certification page at the end of the on-line application filing process and then, after signing and dating the certification page, to separately submit the original signed Certification page to the SLD by mail.

² 47 C.F.R. §§ 54.501–54.503.

³ Form 470 is entitled “Description of Services Requested and Certification Form,” in which the applicant sets forth its technological needs and the services for which it seeks discounts.

⁴ 47 C.F.R. § 54.504(b).

⁵ See, Exhibit 1 attached hereto, which contains a copy of the pertinent section of the instructions set forth for FCC Form 470 on the SLD website.

The New York State Office of General Services (OGS) filed a certified Form 470 on behalf of the New York State consortium of schools and libraries (of which OCFS is a member) on September 18, 2002 for Funding Year 2003 (Application #152850000416601).⁶ OGS' consortium Form 470 was posted to the SLD website on September 24, 2002. Shortly after the OGS filing, OCFS filed the electronic portion of its own FCC Form 470 on the SLD website on November 6, 2002, for funding year 2003.⁷ On this Form 470, OCFS indicated that it was filing as part of a consortium.

OCFS received a Receipt Notification Letter (RNL) on November 20, 2002 acknowledging receipt of its November 6, 2002 electronic filing, and advising that the required Block 5 Certification page, containing an original signature, was missing and required.⁸ Contemporaneous with OCFS' electronic filing, Mr. Zambri signed Block 5. OCFS mailed the original signed copy of the Form 470, including Block 5 Certifications and Signature pages, containing an original inked signature on January 16, 2003.⁹ The Form 470 was sent to the SLD via certified U.S. Mail.

OCFS selected a vendor to provide video management services from a master state contract list of firms chosen by OGS through a competitive bid process.¹⁰ OCFS submitted a signed and certified Form 471, Services Ordered and

⁶ See, [Exhibit 2](#), attached hereto.

⁷ See, [Exhibit 3](#), attached hereto.

⁸ See, [Exhibit 4](#), attached hereto.

⁹ See, [Exhibit 5](#), attached hereto.

¹⁰ This competitive procurement process is more fully described on OGS' website. See <http://www.ogs.state.ny.us/procurecounc/pdfdoc/guidelines.pdf>.

Certification Form to the SLD, requesting funding for Funding Year 2003 Video Management Services.¹¹ The SLD sent OCFS a Receipt Acknowledgement Letter (RAL) on March 18, 2003 confirming that OCFS' Form 471 had been successfully received by the SLD within the filing window.¹²

The SLD denied OCFS' request for funding through a Funding Commitment Decision Letter (FCDL), on June 23, 2003.¹³ The SLD claimed that it never received the paper copy containing an original ink signature certification for OCFS' Form 470, stating, "consequently, your (OCFS') appeal is denied for referencing a Form 470 that was not certified before the close of the filing window."

OCFS filed a letter of appeal with the SLD on August 14, 2003, requesting a review of its decision denying funding for the requested services.¹⁴ As referenced in its letter of appeal, and in subsequent correspondence during the review process with the SLD, OCFS reminded the SLD about the Form 470 filed by OGS (Application #152850000416601), filed on behalf of all public schools within New York State, and requested the SLD use the NYS OGS Form 470 as the Form 470 for OCFS' requested services.¹⁵

During a teleconference call with the SLD on November 19, 2003, OCFS reiterated its request to have the NYS OGS Form 470 utilized as the basis for approving OCFS' funding request. OCFS also made this request, in writing, to

¹¹ See, [Exhibit 6](#), attached hereto.

¹² See, [Exhibit 7](#), attached hereto.

¹³ See, [Exhibit 8](#), attached hereto.

¹⁴ See, Attachment A, submitted electronically with this filing as a separate PDF file.

¹⁵ See, [Exhibit 2](#), attached hereto.

the SLD following that teleconference by letter dated November 20, 2003, a copy of which is attached.¹⁶ In that letter, OCFS specifically requested that the SLD use the FCC Form 470 filed by OGS in lieu of the one submitted by OCFS. That alternate Form 470 was to be used for all eight OCFS funding requests, including 471 Application Number 376340, which is the subject of the instant appeal.

The SLD denied the OCFS letter of appeal by notice dated January 16, 2004.¹⁷ The justification provided by the SLD was that, inter alia, that OCFS failed to supply the SLD with the requisite original, inked certification of Block 5 on the FCC Form 470, and that when alerted to the possibility of utilizing an alternative Form 470 for its application during the review process, failed to pursue this option, despite it being a seeming viable option. The SLD also rejected OCFS' argument that its electronic filing of Form 470 was in violation of the Electronic Signature in Global and Electronic Commerce Act ("E-Sign Act").¹⁸ OCFS had submitted in its appeal that the SLD was prohibited under the E-Sign Act from requiring OCFS to subsequently submit a signature page in paper form.

II. THE NYS OFFICE OF GENERAL SERVICES' (OGS') CERTIFIED FCC FORM 470 COVERS OCFS' REQUEST FOR DISCOUNTED SERVICES.

It is the duty of the SLD, like any other administrative agency, to make its funding decisions fairly and equitably. Moreover, the SLD must apply the same standards to all applicants and may not act in an arbitrary or capricious manner.

¹⁶ See, Exhibit 9, attached hereto.

¹⁷ See, Exhibit 10, attached hereto.

¹⁸ See, Public Law 106-229 (15 USC §7001 et seq.).

Yet the SLD denied OCFS' letter of appeal, despite the SLD's knowledge of the OGS Form 470 and the fact that OCFS requested, both in OCFS' letter of appeal and in subsequent correspondence with the SLD during the review process, that the Form 470 filed by the New York State Office of General Services (OGS) be used as the basis for approving OCFS' funding requests. As the FCC recently held in Erie 1 BOCES (Western New York Regional Information Center),¹⁹ on behalf of the Prattsburgh Central School District, relief is appropriate in those circumstances where an applicant cites an invalid Form 470 in a funding request number (FRN), but does have a Form 470 that supports the FRN, and cites that correct Form 470 in its appeal to SLD.

Although this alternative Form 470 filed by the New York State OGS was referenced in our letter of appeal, and in OCFS' November 20, 2003 correspondence, the Administrator overlooked the State's request to utilize this document. In issuing its denial, the Administrator's decision indicated that this Form 470 would have been a "viable option," however, "you failed to pursue that possibility when alerted to that option during the review process." This suggests a failure within the SLD to share relevant correspondence with all of those who reviewed OCFS' funding requests. OCFS' requests to use the OGS Form 470 went unheeded.

OCFS submits, consistent with the FCC's decision in Erie 1 BOCES, and as the Administrator suggested in its decision, that an independent basis exists for

¹⁹ See, *Request for Review of the Decision of the Universal Service Administrator by Erie 1 BOCES Western New York Regional Information Center, West Seneca, NY*, CC Docket Nos. 02-6, File No. SLD-134617, DA 04-372.

the SLD to approve OCFS' funding request - based on the certified Form 470 filed by the OGS on September 18, 2002.²⁰ The OGS Form 470 Application Number is 152850000416601.²¹ The fact that OCFS attempted to file its own Form 470 is not determinative.

The Federal Communications Commission's rules do not require a school district to draft a formal RFP or post its own Form 470 in order to solicit proposals from vendors. Rather, a consortium's certified Form 470 is deemed sufficient notice to vendors.

The certified Form 470, filed and certified by OGS on behalf of the NYS schools and library consortium, of which OCFS is a member, and which was properly posted on the SLD website, should have been accepted by the SLD as the basis for approving OCFS' Form 471 funding request.

III. OCFS' FORM 470 CERTIFICATION FROM FUNDING YEAR 5 MEETS THE REQUIREMENT FOR FUNDING YEAR 6.

According to the Form 470 instructions posted on the SLD website, specific rules apply to schools and libraries seeking universal service discounts.²² When filing Form 470, schools and libraries are advised they must meet certain minimum filing requirements. For online filers, "applicants must also either (1) submit the completed Block 5 certification online using a User ID and a personal identification number (PIN), or (2) submit the completed and signed Block 5 certification manually by mail, express delivery, or U.S. Postal Service Return

²⁰ The OGS form was posted on the SLD website on September 24, 2002.

²¹ See, Exhibit 2, attached hereto.

²² See, <http://www.sl.universalservice.org/data/pdf/470i.pdf>

Receipt Requested.” Specific instructions also apply to filing requirements for those Forms 470 submitted manually and online. According to the Form 470 instructions, a completed Form 470 certification is a Block 5 either submitted online, using a User ID and PIN, or a Block 5 certification with the signature of the authorized person. The instructions further state that “Forms 470 with completed certifications submitted in a previous year meet this requirement, as do those filed for the current funding year either online by the close of the Form 471 application filing window or with a postmark date no later than the close of the Form 471 application filing window.”²³

OCFS filed a certified Form 470 for Funding Year 5, which was the previous year (Form 470 certification date: December 18, 2002).²⁴ Any ambiguity in the form’s instructions should not be construed against the applicant. OCFS respectfully submits it complied with the letter of the Form 470 instructions (dated April 2002) when it filed its Form 470 for funding Year 6, and its previous year’s certification should have been sufficient for purposes of complying with sections 54.504 and 54.511 of the Commission’s rules.

IV. THE E-SIGN ACT PREVENTS SLD FROM REIMPOSING PAPER SIGNATURE PAGE REQUIREMENTS.

OCFS submits that the SLD is statutorily precluded from rejecting OCFS’ Form 470 for failure to submit an original signature. The basis for this assertion is the Electronic Signature in Global and Electronic Commerce Act (“E-Sign

²³ See, Exhibit 11, attached hereto, for Page 7 of the FCC Form 470 Instructions.

²⁴ See, Exhibit 12, attached hereto.

Act”).²⁵

The E-Sign Act states, in its pertinent part, that “a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form” and that “a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.”²⁶

Thus, the E-Sign Act specifically provides that applications can be filed electronically in lieu of being filed in a paper form, and that electronic signatures cannot be denied legal effect simply because they were not filed in the traditional paper format.

In this instance, Zachary E. Zambri’s act of electronically inserting his name in the “Certification and Signature” block of the online Form 470 should suffice as a legally-binding electronic signature. According to the definition contained in the E-Sign Act, the term “electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.²⁷ Thus, Mr. Zambri’s act of typing his name on the electronic certification section of the online Form 470 meets the minimal requirements of an electronic signature, as it was made with the intent to sign the record.

²⁵ See Public Law 106-229 (15 USC §7001 et seq.).

²⁶ See 15 USC §7001(a)(1).

²⁷ See 15 USC §7006(5).

In its decision denying OCFS' letter of appeal, the Administrator denied OCFS' electronic filing of FCC Form 470, in part, because:

“the program rules, perhaps erring on the side of prudence and caution on behalf of the applicant, require a level of security and certainty that the signer is the authorized contact for the applicant. Thus, if the applicant does not choose the online option, program rules require a paper copy to establish the authority of the signer.”

Section 104(c) of the E-Sign Act further prohibits state and federal agencies from imposing or reimposing “any requirement that a record be in a tangible printed or paper form.”²⁸ The only exception to this rule is if there is a “compelling government interest related to law enforcement or national security” and imposing a paper requirement is essential to that interest.²⁹

Clearly the E-Rate program, and the FCC forms supporting the program, are unrelated to any government purpose related to law enforcement or national security. The stated purpose of the Form 470 is for applicants to describe the eligible telecommunications-related services it seeks and to allow this information to be posted on the Fund Administrator website so that interested service providers can identify the applicant as a potential customer and compete for the service. More significantly, the transmittal of a paper certification and signature page is exactly the type of process Congress intended to eliminate through the authorization for automation provided by the E-Sign Act. Unlike the case in *Crispus Attucks*,³⁰ where the applicant created a personal identification number

²⁸ See 15 USC §7004(c)(1).

²⁹ See 15 USC §7004(b)(3)(B).

³⁰ See, FCC decision in *Crispus Attucks YouthBuild Charter School*, CC Docket No. 02-06, File No. SLD-312243, denying applicants' Form 470 on the basis of an missing electronic signature, requiring the submission of a signed certification within filing window.

(PIN) but did not electronically sign the online certification, OCFS' Form 470 contained a signature, as defined by the E-Sign Act.

The FCC Form 470, as posted electronically by OCFS on November 13, 2002, contained the required certifications and the typed name of Zachary Zambri, an authorized OCFS requestor.³¹ OCFS submits that the SLD is statutorily prohibited under the E-Sign Act from subsequently requiring OCFS to submit a signature page in paper form once an electronic signature is used. In fact, since 2000, the FCC has permitted electronic signatures without the need for the submission of original signatures.³² Accordingly, OCFS should not be penalized for failing to have a traditional paper certification on file with the SLD. OCFS respectfully submits that nothing is gained by the SLD's original signature page requirement, that the act of inserting an authorized representative's name and submitting the Form 470 electronically fulfills the purposes required by the FCC rules and requests the FCC to accept OCFS' electronic filing of Form 470 as containing the requisite certification and signature.

The facts in this case are distinguishable from that of those in the Request for Review filed by St. John Central School.³³ In that case, the St. John School filed an online Form 471, and submitted its Block 6 certification and Item 21 attachments outside the filing window. As St. John's failed to file the required

³¹ See, [Exhibit 13](#), attached hereto.

³² See 47 CFR §64.1120(c)(1); see also Implementation of the Subscriber Carrier Selection Changes Provision of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumer Long Distance Carriers, CC Docket No. 94-129, FCC 00-255 (rel. Aug. 15, 2000) (Letters of Agency may be submitted electronically without original signature requirement). In the decision, the FCC specifically cites the E-Sign Act as authority.

³³ See, *Request for Review of the Decision of the Universal Service Administrator by St. John Central School*, CC Docket Nos. 96-45 97-21, File No. SLD-239551.

Item 21 attachments within the established timeframes, its request for relief was denied. In OCFS' case, its online filing and certification of Form 470 was complete – and signed by an authorized requestor, made with the requisite intent to sign.

If OCFS' funding was denied because OCFS failed to submit a paper certification following its electronic posting, then we submit that the SLD has violated its duty to enforce the Commission's rules and has engaged on its own in impermissible rule making. The Congress has explicitly directed that the USAC be limited to enforcing FCC rules.³⁴ The Commission has emphasized that USAC and the SLD can perform only administrative functions and not make policy, interpret unclear provisions of the statutes or rules, or interpret the intent of Congress.³⁵ The SLD is "prohibited from making decisions of law or policy" and must limit its activities "to implementing existing rules and policies established by the Commission."³⁶ The Administrator's decision articulating as its basis for denying OCFS' electronic signature the need for "a higher level of security that the requestor is an authorized contact" and "erring on the side of prudence and caution" has no precedent in Commission rules or orders. The online signature fulfilled the requirements of the E-sign Act.

³⁴ See Conference Report on H. R. No. 105-504. 105th Cong. 2d. Sess.

³⁵ *Changes to the Board of Directors of the National Exchange Carriers Associations, Inc.*, 13 *FCC Rcd.* 25058, 25067 (1998).

³⁶ *Id.*

V. THE SLD SHOULD NOT HAVE REJECTED OCFS' APPLICATION BASED ON A *De Minimus* ERROR.

Finally, OCFS submits that the kind of inadvertent procedural discrepancy at issue here regarding the seemingly misdirected mailing of OCFS' signed Form 470 Block 5 certification, following OCFS' electronic posting of that Form, should not be the basis for depriving schools of the funds Congress intended it to have available through the E-Rate program. The administrative cost of accepting OCFS' application under these facts are minimal, and are outweighed by the objective of ensuring that schools and libraries benefit from the schools and libraries universal service support mechanism as contemplated by the statute.³⁷

OCFS' application was a perfectly good application, with the minor exception that an original, signed certification was not received by the SLD follow OCFS' electronic posting. The benefits of the E-Rate program should not be withheld due to a *de minimus* non-compliance with an overly cumbersome application requirement and an unjustified procedural rule.

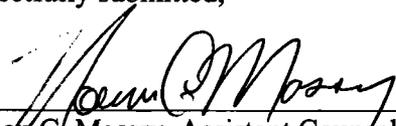
VI. CONCLUSION.

OCFS respectfully requests that the Administrator's decision on appeal denying OCFS' letter of appeal for funding of FRN 1043280 be reversed and the Commission directs the SLD to deem the Form 470, properly filed by the NYS Office of General Services, as an alternative Form 470 for purposes of OCFS

³⁷ See, Request for Review by Naperville Community Unit School District 203, *Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343

funding request, and, in the alternative, rule that OCFS' electronic filing of its Form 470 on November 6, 2002 complied with the rules regarding certification.

Respectfully submitted,

BY: 

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New York State Office of Children and Family
Services

52 Washington Street

Rensselaer, NY, 12144

Email: norm.massry@dfa.state.ny.us

March 10, 2004

CERTIFICATE OF SERVICE

I, Norman C. Massry, hereby certify I caused to be served true and correct copies of the preceding Request for Review of the New York State Office of Children and Family Services on this the 10th day of March 2004 by placing a copy of this document for delivery in the U.S. Postal Service to the following party:

D. Scott Barash
Vice President and General Counsel
Universal Service Administrative
Company
2120 L Street, NW
Suite 600
Washington, DC 20037

BY: 
Norman C. Massry, Assistant Counsel
New York State Office of Children and Family Services
52 Washington Street
Rensselaer, NY, 12144
Email: norm.massry@dfa.state.ny.us

EXHIBIT 1



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

Tips for Completing Your Form 470

Tip 1. File Form 470 Online

Tip 2. File Form 470 Any Time During the Program Year

Tip 3. Only File ONCE for Each New Contract, and File Annually for Tariffed and Month-to-Month Services

Tip 4. Review the Minimum Processing Standards for the Form 470

Tip 5. Remember the Technology Plan Requirement

Tip 6. When an Request for Proposal (RFP) is Available

Tip 7. Online Filers: How to Successfully Submit your Form 470 Online

Tip 1. File Your Form 470 Online – Using the online Form 470 for filing your E-rate application saves time and minimizes data entry errors. The SLD system validates the answers you data enter for each item, which means your application is less likely to need extensive problem resolution clean up. Form 470 applications that are successfully filed online also post faster to the SLD web site. You may access the online Form 470 by clicking the "Apply Online" button on the [SLD web site](#).

Tip 2. File Your Form 470 at Any Time During the Program Year – You may file the Form 470 at any time during the program year. In other words, there is not a limited timeframe (or "Window Filing Period") for submitting your Form 470 to the SLD. This allows you greater flexibility in initiating procurement processes while still allowing you to comply with E-rate competitive bidding requirements.

For Year 4, your Form(s) 470 must be posted early enough to achieve the 28-day posting period before filing and signing the Form 471, Block 6, Certifications and Signature which must be postmarked no later than January 18, 2001 in order to be inside the Year 4 window.



QUICK LINKS

- [Reference Area](#)
- [Appeals](#)
- [Eligible Services List](#)
- [Discount Matrix](#)
- [Changes & Corrections](#)
- [Waste, Fraud, & Abuse Task Force](#)

SEARCH

Search Tips

CONTACT INFO

- [Contact Us](#)
- [Whistleblower Hotline - Report Waste, Fraud, & Abuse](#)

SITE HELP

- [Get Help!](#)
- [Site Map](#)
- [Site Tour](#)
- [Website Policy](#)

Tip 3. Only File Form 470 ONCE for Each New Contract, and File Form 470 Annually for Tariffed and Month-to-Month Services – Multi-year contracts require only one Form 470 to be filed when procurement begins. Each Form 470 has a unique number, to which you will refer in your annual Form 471 applications. PLEASE NOTE that you must file a Form 470 each year for discounts on tariffed services, such as telecommunications services, and for discounts on services billed on a month-to-month basis, such as some internet services and cell phone service.

Tip 4. Review the Minimum Processing Standards for the Form 470 – The Minimum Processing Standards (or MPS) are the procedures that the SLD uses to review your application when w it is first received. Your application must pass the Minimum Processing Standards in order for data entry of your application to begin. Be sure to review the Form 470 Minimum Processing Standards and Filing Requirement posted in the Reference Area of this web site.

Tip 5. Technology Plan Requirement – Don't forget that you must have an approved technology plan (or be seeking approval on a technology plan) when you file the Form 470. The only exception to this rule is if you are applying for discounts only on basic local and long distance telephone service and for no other services. In that limited case, you are not required to complete and obtain approval of a technology plan.

Tip 6. When a Request for Proposal (RFP) is Available – If you are applying for E-rate discounts and you have developed a Request for Proposals (RFP) specifying the services you are seeking, you do not need to detail these services on the Form 470. In Block 2, Items 8 or 9 or 10, simply check box A and include the URL (web site address) where your RFP is posted, OR check box B and indicate which person to contact to obtain the RFP.

Tip 7. Online Filers: How to Successfully Submit your Form 470 Online – Follow these simple steps to make sure your Form 470 is successfully submitted to the SLD:

1. After you have completed each block, print a copy of the screen for your records.
2. Provide the appropriate answers in Block 5, Items 19-29
3. Print a copy of this screen for your records.
4. Click the "Next" button to move on to the next page, which features special instructions.
5. On this special instructions page, read all the instructions and then click the "Next" button at the

instructions and then click the "Next" button at the bottom of the screen. By clicking "Next" you are simultaneously releasing your completed application to the SLD for posting, AND viewing a complete version of Block 5 of your Form 470. This version represents the Block 5 information as it appears in the SLD database. Clicking "Next" will prevent any further changes to the application. Please be sure that you are satisfied that all entries to the Form 470 are correct and you are fully authorized to release this form for posting before clicking "Next" on this page.

6. Print a copy of this Block 5 Certification and Signature page, ask the authorized person to sign Item 25 with an original ink signature, and submit it to the SLD either manually, by mail, express delivery or U.S. Postal Service Return Receipt Requested.

For regular mail, submit Form 470 to:

SLD - Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, submit Form 470 to:

SLD - Form 470
C/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

Content Last Modified: May 2, 2003

Need help? You can contact us toll free at 1-888-203-8100.
Our hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.
Aware of fraud, waste, and abuse, report it to our Whistleblower Hotline!

EXHIBIT 2

470

Schools and Libraries Universal Service
Description of Services Requested
and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications
(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 152850000416601
Applicant's Form Identifier: NYS-OGS-FY2003
Application Status: CERTIFIED
Posting Date: 09/24/2002
Allowable Contract Date: 10/22/2002
Certification Received Date: 09/18/2002

1. Name of Applicant: NEW YORK STATE OFFICE OF GENERAL SERVICES			
2. Funding Year: 07/01/2003 - 06/30/2004		3. Your Entity Number 217761	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street PROCUREMENT SERVICES GROUP CORNING TOWER, 37TH FLOOR			
City ALBANY	State NY	Zip Code 5Digit 12242	Zip Code 4Digit
b. Telephone number (518) 474- 1350		ext.	c. Fax number (518) 486- 6867
d. E-mail Address CUSTOMER.SERV@OGS.STATE.NY.US			
5. Type Of Applicant (Check only one box)			
<input type="radio"/> Library (including library system, library branch, or library consortium applying as a library)			
<input type="radio"/> Individual School (individual public or non-public school)			
<input type="radio"/> School District (LEA:public or non-public[e.g., diocesan] local district representing multiple schools)			
<input checked="" type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: KAREN FOWLER			

6b. Street Address, P.O.Box, or Route Number (if different from Item 4)

PROCUREMENT SERVICES GROUP
CORNING TOWER, 37TH FLOOR

City	State	Zip Code 5Digit	Zip Code 4Digit
ALBANY	NY	12242	

6c. Telephone Number (10 digits + ext.) (518) 474- 1350

6d. Fax Number (10 digits) (518) 486- 6867

6e. E-mail Address (50 characters max.) KAREN.FOWLER@OGS.STATE.NY.US

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. Services for which a new written contract is sought for the funding year in Item 2.

d. A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 **Telecommunications Services**
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. YES, I have an RFP. Choose one of the following: It is available on the Web at or via the Contact Person in Item 6 or the contact listed in Item 11.

b. NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
SEE OGS WEB SITE FOR LIST OF E-RATE ELIGIBLE SERVICES: WWW.OGS.STATE.NY.US/PURCHASE/SNT/WIREDINDEX/NYWIRED.ASP	MAXIMUM: ALL NYS SCHOOLS AND LIBRARIES

9 **Internet Access**
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. YES, I have an RFP. Choose one of the following: It is available on the Web at or via the Contact Person in Item 6 or the contact listed in Item 11.

NO . I do not have an RFP for these services.

If you answered **NO**, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
SEE OGS WEB SITE FOR LIST OF E-RATE ELIGIBLE SERVICES: WWW.OGS.STATE.NY.US/PURCHASE/SNT/WIREDINDEX/NYWIRED.ASP	MAXIMUM: ALL NYS SCHOOLS AND LIBRARIES

10 **Internal Connections**

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

YES, I have an RFP. Choose one of the following: It is available on the Web at
or via the Contact Person in Item 6 or the contact listed in Item 11.

NO , I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
SEE OGS WEB SITE FOR LIST OF E-RATE ELIGIBLE SERVICES: WWW.OGS.STATE.NY.US/PURCHASE/SNT/WIREDINDEX/NYWIRED.ASP	MAXIMUM: ALL NYS SCHOOLS AND LIBRARIES

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Title:

Telephone number (10 digits +

() -

Fax

() -

E-mail Address (50 characters max.)

12. Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

**SEE PROCUREMENT GUIDELINES OF THE NYS OFFICE OF GENERAL SERVICES:
[HTTP://WWW.OGS.STATE.NY.US/PROCURECOUNC/PDFDOC/GUIDELINES.PDF](http://WWW.OGS.STATE.NY.US/PROCURECOUNC/PDFDOC/GUIDELINES.PDF)**

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

**SEE INFORMATION ON INFORMATION TECHNOLOGY AND SERVICE BID OPPORTUNITIES:
[HTTP://WWW.OGS.STATE.NY.US/ASP/PURCHASE/SNT/BIDS/WELCOME.ASP](http://WWW.OGS.STATE.NY.US/ASP/PURCHASE/SNT/BIDS/WELCOME.ASP)**

Block 3: Technology Assessment

14. **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required has been purchased; and/or is being sought.

b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.

d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.

e. Staff development: all staff have had an appropriate level of training or additional training has already been scheduled; and/or training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.
**SEE INFORMATION ON INFORMATION TECHNOLOGY AND SERVICE BID OPPORTUNITIES:
[HTTP://WWW.OGS.STATE.NY.US/ASP/PURCHASE/SNT/BIDS/WELCOME.ASP](http://www.ogs.state.ny.us/asp/purchase/snt/bids/welcome.asp)**

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **NY**

a. **Individual school or single-site library:** Check here, and enter the billed entity in Item 17.

b. **Statewide application (check all that apply):**

- All public schools/districts in the state:
- All non-public schools in the state:
- All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. If checked, complete Item 18.

c. **School district, library system, or consortium application to serve multiple eligible sites:**

Number of eligible sites	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item	

17. Billed Entities	
Entity Name	Entity Number
NEW YORK STATE OFFICE OF GENERAL SERVICES	217761
All Eligible Libraries in State NY	
All Non-Public Schools in State NY	
All Public Schools/Districts in State NY	

18. Ineligible Entities			
Ineligible Participating Entity	Entity Number	Area Code	Prefix

Block 5: Certification

19. The applicant includes: (Check one or both)

a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

a. individual technology plans for using the services requested in the application

b. higher-level technology plans for using the services requested in the application

c. no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

a. technology plan(s) has/have been approved by a state or other authorized body.

b. technology plan(s) will be approved by a state or other authorized body.

c. no technology plan needed; application requests basic local and long distance telephone service only.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person:

26. Date (mm/dd/yyyy): 10/12/2001

27. Printed name of authorized person: WALTER BIKOWITZ

28. Title or position of authorized person: ASSISTANT DIRECTOR

29. Telephone number of authorized person: (518) 402 - 5906 ext.

[New Search](#)

[Return To Search Results](#)

EXHIBIT 3

470

**Schools and Libraries Universal Service
Description of Services Requested
and Certification Form**

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications
(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 300630000426662
Applicant's Form Identifier:
Application Status: COMPLETE
Posting Date: 11/06/2002
Allowable Contract Date: 12/04/2002
Certification Received Date:

1. Name of Applicant: NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES			
2. Funding Year: 07/01/2003 - 06/30/2004		3. Your Entity Number 210254	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 52 WASHINGTON STREET 40 N. Pearl 15th Floor			
City RENSELAER	State NY	Zip Code 5Digit 12144	Zip Code 4Digit
b. Telephone number (518) 402-3194		c. Fax number (518) 473-2348	
d. E-mail Address Zack.Zambri@dfa.state.ny.us			
5. Type Of Applicant (Check only one box)			
<input type="radio"/> Library (including library system, library branch, or library consortium applying as a library)			
<input type="radio"/> Individual School (individual public or non-public school)			
<input type="radio"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)			
<input checked="" type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Araya, Chris			

5b. Street Address, P.O.Box, or Route Number (if different from Item 4)
 52 WASHINGTON STREET
 40 N. Pearl 15th Floor

City RENSSELAER	State NY	Zip Code 5Digit 12144	Zip Code 4Digit
--------------------	-------------	--------------------------	-----------------

5c. Telephone Number (10 digits + ext.) (518) 402-3194

5d. Fax Number (10 digits) (518) 473-2348

5e. E-mail Address (50 characters max.) Zack.Zambri@dfa.state.ny.us

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. Services for which a new written contract is sought for the funding year in Item 2.

d. A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 Telecommunications Services
 Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a. YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via the Contact Person in Item 6 or the contact listed in Item 11.

b. NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
local phone service	34 Facilities
long distance phone service	34 Facilities
centrex service	34 Facilities
cellular phone service	34 Facilities
pager service	34 Facilities
video conferencing links	34 Facilities
ISDN, DSL, Frame, T1, T3, ATM service	34 Facilities

9 Internet Access
 Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a YES, I have an RFP. Choose one of the following: It is available on the Web at
 or via the Contact Person in Item 6 or the contact listed in Item 11.

b NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
dialup service	34 Facilities
dedicated service	34 Facilities
email service	34 Facilities

10 Internal Connections
 Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a YES, I have an RFP. Choose one of the following: It is available on the Web at
 or via the Contact Person in Item 6 or the contact listed in Item 11.

b NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
routers, hubs, switches	34 Facilities
servers, ups, tape backup	34 Facilities
new/upgrade pbx	34 Facilities
voice over ip server	34 Facilities
pbx maint.	34 Facilities
Lan network maint.	34 Facilities
routers, hubs, switches maint.	34 Facilities
cabling, racks, risers, raceways	34 Facilities
Mult. point control unit	34 Facilities
Mult. point control unit maint.	34 Facilities
Mpeg video encoder maint.	34 Facilities
video amplifiers	34 Facilities
video channel modulators	34 Facilities
Internet routers	34 Facilities
video bridge/gateway	34 Facilities
video bridge/gateway management tool	34 Facilities

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:
Araya, Chris

Title:
Project Manager

Telephone number (10 digits +
(518) ~~473-0855~~ 474-9284

Fax number
(518) 474 - 6928

E-mail Address (50 characters max.)
Chris.Araya@dfa.state.ny.us

12. Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

NYS procurement guidelines

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. Basic telephone service only: If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required has been purchased; and/or is being sought.

b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.

d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.

e. Staff development: all staff have had an appropriate level of training or additional training has already been scheduled; and/or training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected:

a. Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. Statewide application (check all that apply):

- All public schools/districts in the state:
- All non-public schools in the state:
- All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. If checked, complete Item 18.

c. School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	34
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
315	225, 245, 253, 255
516	667
518	473, 474, 643, 762, 797, 851
585	533
607	265, 533, 538, 539
631	667
716	533, 638, 925, 945
718	574, 638, 739, 761, 773, 798, 993
845	249, 342, 758
914	294, 342, 691, 758, 832
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item	

17. Billed Entities

Entity Name	Entity Number
NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES	210254

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix

Block 5: Certification

19. The applicant includes: (Check one or both)

a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

a. individual technology plans for using the services requested in the application

b. higher-level technology plans for using the services requested in the application

c. no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

a. technology plan(s) has/have been approved by a state or other authorized body.

b. technology plan(s) will be approved by a state or other authorized body.

c. no technology plan needed; application requests basic local and long distance telephone service only.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: 

26. Date (mm/dd/yyyy): 11/14/2002

27. Printed name of authorized person: Zaek Zambri

28. Title or position of authorized person: OCFS-IT Director

29. Telephone number of authorized person: (518) 402 - 3194 ext.

New Search

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EXHIBIT 4



FORM 470--Receipt Notification Letter
(Funding Year 2003: 07/01/2003--06/30/2004)

November 20, 2002

NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES
Araya, Chris
52 WASHINGTON STREET
40 N. Pearl 15th Floor
RENSSELAER, NY 12144

Re: Applicant's Form Identifier:
Form 470 Application Number: 300630000426662
Entity Number: 210254
Date Form 470 Posted: 11/06/2002
Allowable Vendor Selection/Contract Date: 12/04/2002

We are pleased to inform you that the Schools and Libraries Division (SLD) has received your FCC Form 470, "Description of Services Requested and Certification Form," although we have NOT yet received your Block 5 signed certification page, either electronically or on paper. The posting date is noted above. This letter provides important information about the processing of your Form 470 application. Please read this letter carefully and retain it for your records and future reference.

The Form 470 Application Number listed above has been assigned by the SLD and will be used to track your Form 470. This number must be provided on each FCC Form 471, "Services Ordered and Certification Form," that cites this Form 470. Any applicant who relies on this Form 470 will need to know this Form 470 Application Number. You may wish to share this number with those schools and/or libraries featured in this application to assist them in their preparation of Form 471.

The purpose of the Form 470 is to open a competitive bidding process for the services desired. The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services. Please be aware that if a service provider was involved in the preparation or certification of your FCC Form 470, this could taint the competitive bidding process and result in the denial of your funding requests. The Form 470 must be completed by the entity that will negotiate with potential service providers. It cannot be completed by a service provider who will participate in the competitive bidding process as a bidder.

If you believe that a service provider was improperly involved in the submission of this Form 470, you should cancel this Form 470 and submit a new one if you wish. To cancel a Form 470, call the Client Service Bureau at 1-888-203-8100 and follow their instructions. Please also refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau for information on proper service provider involvement in the preparation and

submission of the FCC Form 471.

You should save all competing bids for services to be able to demonstrate that the bid you chose is the most cost effective, with price being the primary consideration.

Remember also that you cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.

FCC rules require that requests for tariffed or month-to-month services and requests for new contractual services be posted on the SLD web site for a period of 28 days before selecting a vendor, to provide for a competitive bidding process. State or local laws may require a longer procurement cycle. This 28-day waiting period must occur before you may execute any contracts for contracted services, before you select your vendor for tariffed or month-to-month services, and before you sign and submit your Form 471. In addition, if you are seeking support on your Form 470 for the first time for services delivered under a multi-year contract signed on or before July 10, 1997, the SLD cannot process your Form 471 until the 28-day waiting period has elapsed.

The date that contracts can be executed for contracted services or that selection can be made for a vendor providing tariffed or month-to-month services is listed above as the "Allowable Vendor Selection/Contract Date."

For information about the filing window for FCC Form 471 for discounts on services to be provided for Funding Year 2003, check the Schools and Libraries web site at <www.sl.universalservice.org>. Information about the filing window will be posted when it becomes available.

It is important to remember that not all requested services will necessarily be approved for discounts. Your FCC Form 471, "Services Ordered and Certification Form," will be subject to review by the SLD for a determination of funding eligibility before funds are committed. (This review will consider all program rules, including eligibility of discount recipients and the eligibility of services for which discounts are requested.) In addition, availability of funds will be a factor in funding decisions. Therefore, you should consider the possibility of a denial of funding or a level of funding below your request, and include appropriate contingencies in contracts for any or all of the requested services.

Thank you for your interest in the Schools and Libraries program. If you have any questions, please call the SLD Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

EXHIBIT 5

AFFIDAVIT

I, Chris Araya, being over the age of 18, residing at 29 Rockton St. being duly sworn, deposes and says:
Amsterdam NY

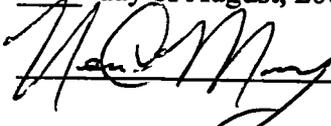
1. It is OCFS' customary practice to have all Form 470 applications signed and sent by return receipt or certified U.S. mail to the Schools and Libraries Division of the Universal Service Administration Company.
2. On January 16, 2003, I prepared and placed a sealed envelope, containing the original, signed Form 470, addressed to the SLD-Form 470, PO Box 7026, Lawrence KS 66044-7026, in the outgoing mail bin at OCFS' office at 40 North Pearl Street, Albany, NY. The envelope was prepared to be sent by certified mail, with the requisite Post Office Form 3800 and 3811 attached.
3. The customary OCFS procedure for items that were to be mailed via certified mail - return receipt requested was as follows:
 - a) Form 3800 with the bar code and tracking number was affixed to the envelope. I retained the section of the white Postal form (PS Form 3800) and attached to the file copy of the item to be so mailed.
 - b) The green parcel receipt card (PS Form 3811) was affixed to the envelope to be mailed.
 - c) The item to be mailed was placed in the mail bin for same day pick-up by OCFS mail room employees, taken to the OCFS central office mailroom, proper postage affixed, and then "bagged" for postal service pick-up that afternoon.
4. It was certainly my intention to comply with the requirements of the SLD by placing the original, signed paper Form 470 Certification in a sealed envelope.
5. I have since noted that I had inadvertently addressed the envelope containing OCFS' original, signed Form 470 to SLD-Form 470, PO Box 7026, Lawrence KS, rather than to Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas.
6. While I may have indicated by letter to Helene Reich, SLD, on April 25, 2003 that "in recollecting the event, I did not send the Form 470 by certified mail", that statement was made based on my discussions and understanding with Ms. Reich that a parcel was not considered certified unless I had physically taken the envelope to the U.S. Post Office and had it date and time stamped.
7. Based on the above procedures that were in effect at that time, it is my opinion that the FCC Form 470 prepared and placed in the OCFS mail bin for certified

mailing in this matter would have been sent by certified mail to the SLD on January 16, 2003.

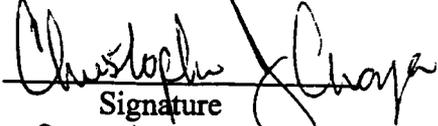
8. Even if the Form 470 containing Mr. Zambri's original signature page was not received by the SLD, the electronic Form 470 posted on the SLD website contained all of the required information.
9. It is respectfully submitted that the programs administered by OCFS with the monies provided by the E-Rate program should not be penalized.

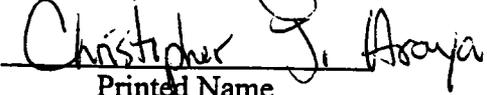
Sworn before me

12th day of August, 2003

 Notary Public

NORMAN C. MASSRY
Notary Public, State of New York
No. 02MA5083312
Qualified in Albany County
Commission Expires August 11, 2005


Signature


Printed Name

OFFICE OF CHILDREN & FAMILY SERVICES
CAPITAL VIEW OFFICE PARK
52 WASHINGTON ST
RENSSELAER NY 12144-2796



7001 0360 0000 4550 0111

SLD - Form 470
PO Box 7026
Lawrence, Kansas 66044-7026

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

5110 - Form 470
PO Box 4026
Lawrence, Kansas 66044-7026

4a. Article Number

7011 0360 0000 4150 0111

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-8-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7007 0360 0000 4550 0111

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Jan. 16,
 2003
 Postmark
 Here

Sent To: S/O - Firm 470
 Street, Apt. No.,
 or PO Box No.: PO Box 2026
 City, State, ZIP+4: Lawrence, Kansas 66044-7026

EXHIBIT 6

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: Yr 6 471 Video Management

Entity Number: 210254

Contact Person: Chris Araya

Phone Number: (518) 474-9284

Block 6: Certifications and Signature

Do not write in this area.

471 Application Number: 376340

24. The entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities

25. The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. an individual technology plan for using the services requested in this application; and/or
- b. higher-level technology plan(s) for using the services requested in this application; or
- c. no technology plan needed; applying for basic local distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. technology plan(s) has/have been approved; and/or
- b. technology plan(s) will be approved by a state or other authorized body; or
- c. no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to: SLD - Form 471
 P.O. Box 7026
 Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
 SLD - Form 471
 C/O Ms. Smith
 3833 Greenway Drive
 Lawrence, KS 66046
 (888) 203-8100



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30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person		35. Date	2-6-03
36. Printed name of authorized person	William Travis		
37. Title or position of authorized person	Deputy Commissioner		
38. Telephone number of authorized person	(518) 402-3194		

471 Application Number: 376340
NEW YORK STATE OFFICE OF CHILDREN & FAMILY
52 WASHINGTON STREET
RENSELAER, NY 12144

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury, Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of

EXHIBIT 7



Universal Service Administrative Company
Schools & Libraries Division

FORM 471 RECEIPT ACKNOWLEDGMENT LETTER
(Funding Year 2003: 07/01/2003 - 06/30/2004)

March 18, 2003

NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES
CHRIS ARAYA
52 Washington Street
Rensselaer, NY 12144

Re: Form 471 Application Number: 376340
Funding Year 2003: 07/01/2003 - 06/30/2004
Applicant's Form Identifier: YR 6 471 VIDEO MANAGEMENT
Billed Entity Number: 210254

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your FCC Form 471, Services Ordered and Certification Form, reflecting \$245,095.00 in total program year pre-discount costs for services. This letter confirms that the Form 471 and signed or electronically certified Form 471 Certification have been received.

NOTE: Item 25 on the Form 471 is a certification that you have secured access to the resources necessary to pay for (1) the non-discounted portion of the costs for eligible services within the funding year as well as (2) the ineligible products and services to make effective use of the eligible services you have requested. "Secured access" means that you can show that these funds are, or will be, part of your annual budget; or, if you are obtaining the funds from an outside source, that these funds have been promised to you. **IF YOU OBTAIN THESE FUNDS FROM AN OUTSIDE SOURCE, THE FUNDS MUST NOT COME DIRECTLY OR INDIRECTLY FROM YOUR SERVICE PROVIDER(S). YOUR SERVICE PROVIDER(S) MAY NOT WAIVE THE NON-DISCOUNTED PORTION OF THE COSTS.**

This letter does NOT contain any decisions concerning your requests for discounts. Note, however, the three-week response deadline described below.

Please keep this letter for your records. The Form 471 Application Number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that the last of your Form 471 application materials identified above was postmarked or received by the SLD on 02/06/2003 and successfully entered into our data system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive one or more Funding Commitment Decision Letters (FCDL) to inform you of the disposition of your application. Until you receive an FC DL from the SLD, you cannot assume that you will receive the discounts for which you are applying.

Your application will be considered within the Form 471 application filing window wherein all applications that meet the Minimum Processing Standards are treated as though they were received on the same day.

HOW TO USE THIS 471 RECEIPT ACKNOWLEDGMENT LETTER (RAL) TO CORRECT INFORMATION ON YOUR FORM 471 (ACT WITHIN 3 WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, these can be corrected using this Form 471 RAL. Examples of the errors

that can be corrected are:

CORRECTIONS TO BLOCK 1 INFORMATION: You may correct Block 1 items such as the applicant's e-mail address, contact person's name, street address, etc.

REDUCTIONS TO BLOCK 5 FUNDING REQUESTS: You may request reductions to Block 5 Funding Requests except for those that would increase your discount percentage due to a change in recipients of that Block 5 service. You may wish to reduce requests if you:

- will not be able to make use of services for which you requested Funding Year 2003 discounts, or
- based your Funding Year 2003 funding request(s) for tariffed or month-to-month service on a projected rate increase that is now known to be much smaller than expected.

CANCELLATIONS OF BLOCK 5 FUNDING REQUESTS: You may wish to request to cancel Block 5 Funding Requests if you:

- duplicated pending requests in Forms 471 where you had not received an FCDL before the close of the Form 471 application filing window, or
- will not be able to make use of services for which you requested Funding Year 2003 discounts.

The SLD encourages applicants who know that they will not use all of the amounts requested to notify the SLD of an appropriate reduction to or cancellation of these Funding Requests. This action would allow the SLD to distribute the amounts that are available for the funding year more effectively.

CORRECTION OF AN INCORRECT SPIN (Service Provider Identification Number): Corrective SPIN Changes are allowed. These include corrections because

- there was a data entry error, or
- the company has merged with or been acquired by another company.

Requests to change service providers for other reasons cannot be accommodated through the RAL Correction Process.

UNBUNDLING AN FRN: You may request to "split" or "unbundle" incorrectly combined FRNs with two or more services from different service providers (for example, local phone service from one company and long distance service from another), or from different eligible service categories (such as Internal Connections and Internet Access).

NOTE: The total dollar amount represented by the newly divided FRNs must not exceed the amount you requested for the original combined FRN. On the photocopy of your RAL, cross out the original bundled FRN, then write in the SPIN, Service Provider Name, Services Ordered category, Total Program Year Pre-Discount dollar Amount, and Discount for each distinct service you have now "unbundled," making sure that the total dollars requested add up to no more than the ORIGINAL request.

To notify us of the allowable corrections you wish to make, please note that the SLD must receive these corrections within three weeks of the date of this letter. Follow these simple steps to make corrections:

1. Photocopy your RAL.
2. Draw a line through each incorrect item, and mark clearly next to it what the correct information should be.
3. Please write the name of the contact person and the contact person's e-mail address, fax number, or telephone number on the first page of the RAL copy that will be sent to the SLD so that we can contact you if we have questions about your requested changes.
4. Make a photocopy of your marked-up letter to keep for your files.
5. Send your marked-up letter to arrive within three weeks of the date of this RAL. Corrections may also be filed electronically, either by e-mail or by fax. Requests submitted by e-mail or fax will be considered filed on a business day if they are received at the SLD at any time up to 12:00 a.m. (midnight) ET. Requests received after that time will be considered received on the next business day.

Send your marked-up letter by US Postal Service or other carrier to:

Data Entry Corrections
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Send your marked-up letter by e-mail to:

sldcorrespondenceunit@sl.universalservice.org.

To be filed by e-mail, your marked-up letter should be scanned (TIF file format is preferred). Total file size of the e-mail message must be limited to less than 10 Megabytes. The SLD will automatically reply to incoming e-mails to confirm receipt.

Send your marked-up letter by fax to:

(973) 599-6526

6. Allowable corrections received in a timely fashion will be reflected in your FCDL. We will not make corrections that do not fall into the categories defined as allowable corrections above. Please note that, except for the automated e-mail response, the SLD will not advise you that we have received your "change request."
7. Please notify your service provider of any corrections to the RAL that you submit to the SLD. Your service provider has also received a copy of the original RAL letter. This correction will help your service provider keep your records updated.

EXPLANATION OF LINE ITEM INFORMATION

Certain information from each Block 5 of Form 471 Application Number 376340 that passed Minimum Processing Standards and that could be entered into our data system is shown below. There are six important components of information shown for each Block 5:

1. **FRN (Funding Request Number):** The unique number assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.
2. **SPIN (Service Provider Identification Number):** The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.
3. **Service Provider Name:** The name of the service provider that you identified as providing the service included in this FRN.
4. **Category of Service:** The type of service for which you have requested discounts in each Block 5 funding request. The categories of services are: Telecommunications Services (Telc Svc); Internet Access (Inet Acc); Internal Connections (Intr Con).
5. **Pre-discount Dollar Amount:** The total annual pre-discount cost for each FRN. This amount is taken from Block 5, Item 23I.
6. **Discount Percentage:** The discount percentage from Block 5, Item 23J.

If you would like to view additional funding request data, click the "Data Requests" button on the SLD web site at www.sl.universalservice.org and follow the instructions provided. If you would like to view your entire Form 471 application, click the "Display" button in the Apply Online & View Forms area of the SLD web site and enter your Form 471 Application Number and Security Code.

MISSING FRNs

If information about a particular FRN is not included in the itemized list of Block 5 FRNs set forth above, this is because the FRN did not pass Minimum Processing Standards. If this is the case, you will receive a separate letter from the SLD informing you that these FRNs have been rejected, with an explanation of the reason for rejection. If you believe that there were FRNs included in your Form 471 that are not listed in this letter AND you do not receive a letter informing you that those FRNs are rejected, please write to us at the address listed at the bottom of this letter. See also "QUESTIONS ABOUT THIS LETTER" below.

Please note that the SLD Client Service Bureau may not have the information necessary to respond to your inquiry; therefore, your letter should be sent to the New Jersey address featured below.

FUTURE CONTACTS WITH PIA

It may be important for us to contact you as our PIA (Program Integrity Assurance) Team reviews the funding requests contained in your Form 471. Our requests for clarification and/or additional documentation will require a prompt response. The due date for such responses will be established at the time that the PIA Team contacts you. Please make sure that the contact person on your application is available to speak with the PIA Team, or that a surrogate is available. In addition, you should monitor on a daily basis the fax and e-mail locations that you may have cited in your Form 471 for the applicant and for the contact person for the applicant.

COMMUNICATIONS WITH YOUR SERVICE PROVIDERS

The SLD is also sharing this FRN information with service providers whose SPINs are listed on Form 471 applications. This information is provided so that service providers can undertake the preparatory steps of identifying their potential customers for whom discounts may be issued. NO DISCOUNTS will be provided until after:

- the SLD issues the Funding Commitment Decision Letter for a particular application; AND
- technology plans, if applicable, have been approved; AND
- the applicant submits a Form 486 with a valid service start date.

The SLD encourages Form 471 applicants to contact their service providers to inform the service providers of the funding requests submitted to the SLD. Service providers may request additional information concerning the specific services contained within each funding request in order to facilitate discounted billing. Applicants are encouraged to share this information with service providers in order for the service providers to begin the preparatory billing steps.

QUESTIONS ABOUT THIS LETTER

If you have any questions regarding the above information, please write to us at:

SLD
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Schools and Libraries Division
Universal Service Administrative Company

FRN: 1043280

SPIN: 143011509

Service Provider Name: New England Systems and Software Inc

Category of Services: Intr Con

Pre-discount Dollar Amount: \$245,095.00

Discount Percentage: 90%

EXHIBIT 8



FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003: 07/01/2003 - 06/30/2004)

June 23, 2003

NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES
CHRIS ARAYA
52 Washington Street
Rensselaer, NY 12144

Re: Form 471 Application Number: 376340
Funding Year 2003: 07/01/2003 - 06/30/2004
Billed Entity Number: 210254
Applicant's Form Identifier: YR 6 471 VIDEO MANAGEMENT

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$220,585.50 is "Denied".

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment

FUNDING COMMITMENT REPORT

Form 471 Application Number: 376340
Funding Request Number: 1043280 Funding Status: Not Funded
Services Ordered: Internal Connections
SPIN: 143011509 Service Provider Name: New England Systems and Software
Contract Number: PS59525/PT59524
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$245,095.00
Pre-discount Amount: \$245,095.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Certified
Funding Commitment Decision Explanation: The ERN references a Form 470 which has not been certified.

ECDL/Schools and Libraries Division/USAC

06/23/2003

EXHIBIT 9



New York State
Office of Children
& Family Services

November 20, 2003

VIA FACSIMILE

Mr. Rick Fairlamb
Schools and Libraries Division
PIA Team 1
80 South Jefferson Road
Whippany, NJ 07981

George E. Pataki
Governor

John A. Johnson
Commissioner

Re: Applicant Name: New York State Office of Children and Family
Date of Funding Commitment Decision Letter: June 27, 2003
Billed Entity Number: 210254
Funding Year 2003
Funding Application Numbers: 375559, 375659, 375759, 375833, 376100,
376352, 376384

Capital View Office Park

52 Washington Street
Rensselaer, NY 12144-2796

Dear Mr. Fairlamb:

The purpose of this letter is to respond to your request for additional information regarding the above-indicated Form 471 Applications that were the subject of OCFS' appeal. As I discussed with you on the phone on November 19, 2003, while OCFS presented three arguments in our appeal in the alternative, OCFS wishes to affirmatively state that the Form 470 that was filed on September 18, 2002 by the New York State Office of General Services (OGS) on behalf of NYS Libraries and Schools Consortium should be used as the basis for approving OCFS' Form 471 funding requests for application numbers 375559, 375659, 375759, 375833, 376100, 376352, and 376384. This Form 470 Application number is 152850000416601.

The NYS OGS' Form 470 is the establishing Form 470 for the services requested. The OGS Form 470 was posted on the SLD website for a period at least 28 days prior to OCFS selecting vendors for the services associated with these Funding Applications, allowing for the development of a competitive procurement. As also indicated in our appeal, the vendors selected to provide the requested services were chosen from the centralized, or "master" state contract. A copy of the establishing Form 470 is attached

to this letter for your reference, and is the basis for each of the above listed Funding Applications.

Finally, please note that OCFS filed an eighth appeal for Funding Year 2003, along with the seven that you are currently reviewing. The Funding Application number for that service was 376340, and requested funding for Video Server Management Services. OCFS requests that the OGS Form 470 be considered the establishing Form 470 for this application as well.

I have addressed the remainder of your technical questions in the attachment to this letter.

Should you have any additional questions, please do not hesitate to contact me at (518) 402-3194.

Respectfully submitted,

William E. Travis, Jr.,
Deputy Commissioner for IT

Attach.

cc: Norman C. Massry, Esq.

EXHIBIT 10

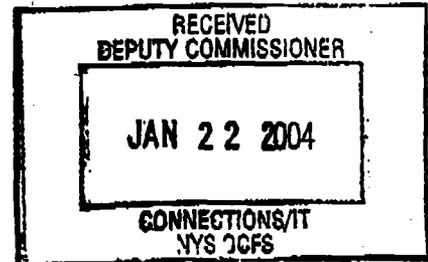


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

January 16, 2004

William E. Travis
New York State Office of Children & Family Services
52 Washington Street
Rensselaer, NY 12144



Re: Billed Entity Number: 210254
471 Application Number: 376340
Funding Request Number: 1043280
Your Correspondence Dated: August 14, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 1043280
Decision on Appeal: **Denied in full**
Explanation:

- In your letter of appeal, you state that during the electronic filing process, the authorized contact person completed the application, typing in his name in the Signature and Certification portion of the application. You received the Receipt Notification Letter (RNL), stating the electronic application was received, but the Certification page, containing the original signature, was missing and necessary. You assert on January 16, 2003, a signed Certification and Signature page was sent to SLD via certified mail. You present three main points. First, you assert the Electronic Signature in Global and Electronic Commerce Act, (E-Sign Act) prohibits requiring a signature on paper. You state SLD instructions on using the electronic signature via User ID and PIN are cumbersome and vague. In summary, the assertion is that the act of the authorized person simply electronically typing in their name meets the minimum requirements of the E-Sign Act and should qualify as a legally binding signature. In addition, this action

prohibits SLD from requiring a signature on paper. You request SLD to accept the electronic filing as sufficient certification for the Form 470. Second, you note the New York State Office of General Services posted a certified Form 470 for all NYS eligible schools, public libraries and non-public schools that should be acceptable as the basis for approving the OCFS' funding request. Third, you seek permission to resubmit the signed certification page for the Form 470. You submitted the original signed copy and the failed delivery was out of your control. The resubmitted photocopy of the original should qualify within FCC rules as a valid signature for the purpose of certifying the Form 470. You further state due to the lost mailing, SLD assumes you failed to submit a properly certified Form 470. The photocopied documentation submitted with the appeal should clarify and resolve the certification issue. You note that you complied with the certification process and that the public interest is best served by favoring the applicant with the option to resubmit. In conclusion, you request expeditious review of this appeal. SLD should deem the OCFS' Form 470 properly filed, the absence of a paper signature as of minor consequence in this issue, and for all the reasons cited above SLD should grant the funding request.

- Program rules require certification within the window. SLD provides a choice to the applicant to comply: a mechanism for electronic signature online (which achieves the intention, spirit and goals of the E-Sign Act) or a paper copy of the signed signature page to be submitted within the window. The E-Sign Act may expedite certain electronic transactions or contractual arrangements but program rules, perhaps erring on the side of prudence and caution on behalf of the applicant, require a level of security and certainty that the signer is the authorized contact for the applicant. Thus, if the applicant does not choose the online option, program rules require a paper copy to establish the authority of the signer. The alternative Form 470, referenced in the letter of appeal and posted by the State, seems to be a viable option but you failed to pursue that possibility when alerted to that option during the review process. Finally, program rules provide no opportunity to certify the Form 470 after the close of the window. Reason and fairness demand a cut-off date be established and it must apply equally to all applicants. The certification issue is fundamental to the administration of the program. Signature certifications on the Form 470 ultimately satisfy the program's policy objective of binding the applicant to the program requirements. Your documentation shows you indeed prepared the envelope for mailing your Certification by Certified Mail. However, absent from the mailing forms is the critical date stamp issued by the Post Office. Thus, there are no records to indicate that your Form 470 Certification was postmarked prior to the close of the filing window on February 6, 2003. Since you could not prove that the Form 470 Certification was mailed prior to February 6, 2003, the SLD must rely on its records.
- Program rules for Funding Year 2003 require that Form 470 Certifications be postmarked no later than February 6, 2003 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review, you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be **POSTMARKED** within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

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

Schools and Libraries Division
Universal Service Administrative Company

EXHIBIT 11

3. Complete Submission of Form 470: All 5 blocks of the Form 470 must be submitted. If any Block (1-5) is missing, the form will be rejected.

4. Valid Certification: Block 5, Item (25) Signature of authorized person must be completed. If Item (25) is left blank, the Form 470 will be rejected.

Online Filers:

When Blocks 1-4 of a Form 470 are submitted electronically, the applicant must also (1) submit the completed Block 5 certification online with a User ID and a PIN or (2) submit the completed and signed Block 5 certification manually by mail, express delivery or U.S. Postal Service Return Receipt Requested. If the Block 5 certification is submitted manually, you are advised to keep proof of the date of mailing. The Block 5 certification is reviewed to make sure it complies with the requirements listed in #4 above. Reviewers also look for the Form 470 Application Number before the Certification and Signature Page is accepted and the Form 470 reaches "certified" status. If the Block 5 certification document lacks the information necessary to match your manually submitted certification with the electronically filed Blocks 1-4 of the form, then your application will not meet the application filing requirements.

Filing Requirement for Forms 470 Submitted Manually and Online

It is vital to assure that a completed Form 470 Certification is filed in a timely fashion. A completed Form 470 Certification is a Block 5 certification submitted online using a User ID and a PIN or 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 the current funding year either online by the close of the Form 471 application filing window or with a postmark date no later than the close of the Form 471 application filing window. Any Form 471 Block 5 funding request based on a Form 470 whose certification has not been received or postmarked by 11:59 p.m. EST on the close of the Form 471 application filing window will be rejected.

IV. SPECIFIC INSTRUCTIONS

You are encouraged to complete, submit, and certify this Form electronically at <www.sl.universalservice.org>. If you file manually, the Form 470 can be downloaded from the SLD web site. If you file paper copies of the application, please type or clearly print in the spaces provided and attach additional pages if necessary and when required. Instructions for completing each Block and Item of the Form 470 can also be downloaded from the SLD web site. No Forms 470 will be accepted if sent via e-mail or fax.

EXHIBIT 12

FCC Form

Approval by OMB
3060-0806

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 714700000399831
Applicant's Form Identifier: 2002-2003 470
Application Status: CERTIFIED
Posting Date: 12/13/2001
Allowable Contract Date: 01/10/2002
Certification Received Date: 12/18/2001

1. Name of Applicant: NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES		
2. Funding Year: 07/01/2002 - 06/30/2003		3. Your Entity Number 210254
4a. Applicant's Street Address, P.O.Box, or Route Number 52 WASHINGTON STREET		
City RENSSELAER	State NY	Zip Code 12144
b. Telephone number (518) 402- 3208		c. Fax number (518) 486- 6776
d. E-mail Address john.monteiro@dfa.state.ny.us		
5. Type Of Applicant		
<input checked="" type="checkbox"/> Individual School (individual public or non-public school)		
<input type="checkbox"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools)		
<input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library)		
<input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
6a. Contact Person's Name: John Monteiro		
<i>First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)</i>		
6b. Street Address, P.O.Box, or Route Number		
<input checked="" type="checkbox"/> 52 WASHINGTON STREET		
City	State	Zip Code

RENSSELAER

NY

12144

6c. Telephone Number (518) 402- 3208

6d. Fax Number (518) 486- 6776

6e. E-mail Address john.monteiro@dfa.state.ny.us

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. Services for which a new written contract is sought for the funding year in Item 2.

d. A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a YES, I have an RFP. It is available on the Web at or via (check one):

the Contact Person in Item 6 or the contact listed in Item 11.

b NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
local phone service	34 facilities
long distance phone service	34 facilities
centrex service	34 facilities
Cellular phone service	34 facilities
pager service	34 facilities
video conferencing links	34 facilities
ISDN, DSL, Frame, T1, T3, ATM service	34 facilities

9 Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a YES, I have an RFP. It is available on the Web at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 11.

b NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
dialup service	34 facilities
dedicated service	34 facilities
email service	34 facilities

10 Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a YES, I have an RFP. It is available on the Web at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 11.

b NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Routers, Hubs, Switches	34 facilities
Servers, UPS, Tapebackup	34 facilities
New/Upgrade PBX	34 facilities
Server Maintenance	34 facilities
PBX maintenance	34 facilities
router, hub, switch maintenance	34 facilities
cabling, and racks	34 facilities
multipoint control unit	34 facilities
multipoint control unit maintenance	34 facilities
MPEG video encoder	34 facilities
Video amplifiers	34 facilities
video channel modulators	34 facilities

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Title:

Telephone number

() -

Fax number

() -

E-mail Address

12. Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

New York State government procurement guidelines

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

Block 3: Technology Assessment

14. **Basic telephone service only:** If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required has been purchased; and/or is being sought.

b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.

d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.

e. Staff development: all staff have had an appropriate level of training /additional training has already been scheduled; and/or training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. **Eligible Entities That Will Receive Services:**

Check the ONE choice (a, b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. Individual school or single-site library.

b. Statewide application for (enter 2-letter state code) NY representing (check all that apply):

All public schools/districts in the state:

All non-public schools in the state:

All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. If checked, complete Item 18.

c. School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	34
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
315	225, 245, 253, 255
516	667
518	473, 474, 643, 762, 797, 851
607	265, 533, 538, 539
716	533, 638, 925, 945
718	574, 638, 761, 773, 798, 993
914	294, 342, 691, 758, 832
If your application includes INELIGIBLE entities, check here. <input checked="" type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
NEW YORK STATE OFFICE OF CHILDREN & FAMILY SERVICES	210254

18. Ineligible Participating Entities

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code	Prefix

Block 5: Certification and Signature

19. The applicant includes: (Check one or both)

- a. schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library

Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. individual technology plans for using the services requested in the application, and/or
- b. higher-level technology plans for using the services requested in the application, or
- c. no technology plan needed; application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. technology plan(s) has/have been approved by a state or other authorized body.
- b. technology plan(s) will be approved by a state or other authorized body.
- c. no technology plan needed; application requests basic local and long distance telephone service only.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person:

26. Date (mm/dd/yyyy): 12/13/2001

27. Printed name of authorized person: John Monteiro

28. Title or position of authorized person: Director Management Services

29a. Address of authorized person:

City: State: Zip:

29b. Telephone number of authorized person: (518) 402 - 3208

29c. Fax number of authorized person: ()

29d. E-mail address number of authorized person:

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role

in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. §254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirements contained in 47 C.F.R. §54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100

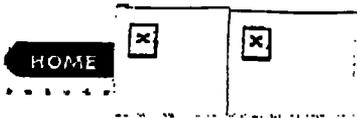
For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100

FCC Form 470
May 2003

New Search

Return To Search Results



FCC Form 470
 Universal Service Program Description of Services Requested and Certification Form



Entity Number: 210254 **Applicant's Form Identifier: 2002-2003 470**
Contact Person: John Monteiro **Phone Number: 518-402-3208**

FCC Form

Approval by OMB
 3060-0806

470

**Schools and Libraries Universal Service
 Program Description of Services Requested
 and Certification Form**

Do not write in this area

Form 470 Application Number: 714700000399831

19. The applicant includes:(Check one or both)

- a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. individual technology plans for using the services requested in the application
- b. higher-level technology plans for using the services requested in the application
- c. no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed status, check both a and b):

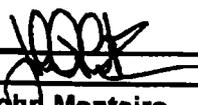
- a. Technology plan(s) has/have been approved by a state or other authorized body.
- b. Technology plan(s) will be approved by a state or other authorized body.
- c. The application requests basic local and long distance telephone service only; no technology plan needed.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. I recognize that support under this support mechanism is conditional upon the school(s) or

library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person		26. Date	12/13/2001
27. Printed name of authorized person	John Monteiro		
28. Title or position of authorized person	Director Management Services		
29. Telephone Number	(518) 402-3208		

Form 470, Application Number: 714700000399831
 NEW YORK STATE OFFICE OF CHILDREN & FAMILY
 52 WASHINGTON STREET
 RENSSELAER, NY 12144-

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, themselves or as part of a consortium, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 9379, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 10413, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to:

SLD - Form 470
 P.O. Box 7026
 Lawrence, KS 66044-7026
 1-888-203-8100

EXHIBIT 13



New York State
Office of
Children & Family
Services

E-RATE F



April 3, 2002

George E. Pataki
Governor

John A. Johnson
Commissioner

Mr. Matt McGourty
Associate Manager
Program Integrity Assurance
Schools and Library Division
National Exchange Carrier Association
100 South Jefferson Road
Whippany, NJ 07981

Capital View Office Park

52 Washington Street
Rensselaer, NY 12144-2796

Dear Mr. McGourty:

I want to take this opportunity to advise you of some recent organizational changes that have occurred in New York State Office of Children and Family Services. I have recently appointed Mr. John A. Monteiro to the position of Director of Human Resource Management. As a result, Mr. Monteiro is no longer our Agency's contact person for E-Rate.

I am designating Mr. Zachary Zambri, Associate Commissioner for Information Technology as our Agency's contact for all matters related to E-Rate. Mr. Zambri can be reached at 518-402-3194. Please feel free to contact Mr. Zambri with any questions you may have. Thank you for your continuing support.

Sincerely,

John A. Johnson
Commissioner



An Equal Opportunity Employer