

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
)  
Request for Review by Sprint PCS of Decision )  
of the Schools and Libraries Division of the )  
Universal Service Administrative Company ) CC Docket No. 02-6  
)  
Administrator's Decision on Appeal )  
Funding Year 2000-2001 )  
Re: Heritage Charter School, Grapevine, TX )  
Billed Entity Number: 198748 )  
Form 471 Application Number: 202864 )  
Funding Request Number: 450766 )

**APPEAL OR, IN THE ALTERNATIVE, REQUEST FOR WAIVER  
OF SPRINT PCS**

Sprint PCS, pursuant to Section 54.719 of the Commission's Rules, hereby respectfully submits an appeal of the decision of the Administrator of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) regarding the above-referenced Funding Request Number (FRN).<sup>1</sup> If the Commission denies Sprint's appeal, we request in the alternative and to the extent necessary a waiver of applicable rules related to recovery of funds from service providers. As explained below, there is no basis for recovering the erroneously disbursed funds from Sprint, the service provider, because the error(s) that led to the erroneous disbursement were completely outside Sprint's control. Furthermore, under the facts, there is virtually no possibility that Sprint would ever be able to recover the disputed funds from the

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<sup>1</sup> The *USAC Appeal Decision*, dated January 20, 2004, is included as Attachment 1.

applicant, with which Sprint no longer has a business relationship, and which is apparently no longer even in business. Although this case arguably involves waste, fraud or abuse on the part of the applicant, and thus would not be subject to recovery from the service provider, Sprint requests a waiver of Section 54.702 of the Rules, to the extent that such waiver is required, to enable USAC to recover any erroneously disbursed funds directly from the applicant, and without any direct involvement from Sprint.

### **1. Background**

On December 13, 2000, USAC approved the Heritage Charter School (HCS) in Grapevine, Texas for funding to cover the costs of 90% of its telecommunications services in Funding Year 2000-2001.<sup>2</sup> HCS selected Sprint PCS as its service provider and initiated service with Sprint PCS in June 2000. Sprint did not actively participate in any RFP process for this account (HCS approached Sprint PCS with the request for service). However, consistent with our status and obligations as a common carrier, Sprint PCS provided the requested telecommunications services to HCS. During the 2000-2001 funding year, HCS incurred and paid Sprint PCS in excess of \$8280.00 in undiscounted telecommunications service charges, an amount sufficient to receive the full amount of the \$7,452.00 in E-rate funds committed by USAC.

HCS submitted two Billed Entity Applicant Reimbursement (“BEAR”) forms to USAC during the funding year, and was reimbursed the full amount of USAC’s funding commitment of \$7,452.00. As required under program rules, Sprint PCS flowed through

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<sup>2</sup> See USAC Form 486 Notification Letter Funding Commitment Synopsis (Funding Year 3), included as Attachment 2.

all BEAR payments to HCS within the prescribed time frame. None of these funds was retained by Sprint PCS.

On February 28, 2003, USAC issued a Commitment Adjustment Letter<sup>3</sup> to Sprint regarding the HCS application, in which USAC advised that:

A Beneficiary Audit found that the entity (Heritage Charter School)...is ineligible to receive discounts due to the fact that the school had returned its charter in September of 2000 and that no students were enrolled during Funding year 2000 or beyond. According to the rules of the SLD Support Mechanism, the primary purpose of the services for which support is sought must be the delivery of services into classrooms or other places of instruction at schools and libraries that meet the statutory definition of an eligible institution. Since the services requested were not put to an educational use at an eligible institution, the commitment amount has been rescinded in full.

On April 28, 2003, Sprint appealed this COMAD request, explaining to USAC that we were not responsible for any of the errors that occurred, that we had no control over HCS' status as an eligible or ineligible entity or its actions in requesting and obtaining E-rate funds, and that we no longer had a business relationship with HCS. On January 20, 2004, USAC denied Sprint's appeal in full without explanation, simply noting that the Commission's rules require recovery of erroneously disbursed funds from the service provider.

## **2. Relief Sought**

In the instant filing, Sprint respectfully requests that the Commission review and reverse the *USAC Appeal Decision*, and absolve Sprint from all financial liability for remitting payment for the funds disbursed in error to HCS. If the Commission or its agent, USAC, decides to pursue recovery of the erroneously disbursed funds, such

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<sup>3</sup> See SLD Commitment Adjustment Letter, p. 4, included as Attachment 3.

recovery should be sought directly from the applicant, with no direct involvement by Sprint. Because HCS' actions arguably constitute waste, fraud or abuse of E-rate funds, Sprint does not believe that USAC's service provider-based recovery plan is applicable under the Commission's previous policy pronouncements. However, should the Commission find otherwise, Sprint requests a waiver of Section 54.702, to the extent that this rule requires USAC to recover erroneously disbursed funds from the service provider. Grant of this waiver would allow USAC to proceed with collection activity directly from the ineligible applicant that requested and received the funds, which is the more effective and reasonable course to pursue.

Grant of the requested relief is warranted for several reasons. First and foremost, determinations of applicant eligibility are *never* the responsibility of the service provider. The applicant itself must first attest to USAC that it is an eligible entity, and any verification of an applicant's eligibility is made by USAC as the E-rate program administrator. Sprint would have had no way of knowing whether HCS was an eligible entity when it first applied for E-rate funds; whether its charter was subsequently returned or revoked; or the number of students enrolled in HCS in Funding Year 2000-2001 or any other time. Sprint reasonably relied upon USAC's funding commitment decision as proof that HCS was entitled to receive E-rate funds, and provided telecommunications services and processed BEAR payments under the E-rate program accordingly and in good faith. Clearly, any error in disbursing E-rate funds was outside of Sprint's knowledge or control.

Second, the Commission has "presumed" that "in instances of applicant error, the applicant will be responsible for the balance under the contract between the applicant and

service provider.”<sup>4</sup> This presumption does not hold true here; in fact, the probability that Sprint will ever be able to recover any of the E-rate funds that are the subject of the instant COMAD request from HCS is virtually zero. (Indeed, HCS also owes Sprint approximately \$437.00 for an unpaid balance due for services not subject to E-rate funding.) HCS has not been a Sprint customer since August 2002, and attempts to contact HCS have been fruitless, as the contact numbers we had for HCS have been disconnected. Thus, unless Sprint’s appeal of the *USAC Appeal Decision* is granted, it is a virtual certainty that Sprint will be saddled with financial liability for an error that was not of its own making and over which it had no control.

Third, it is not clear that recovery of the erroneously disbursed funds from the service provider is even required under the Commission’s COMAD policy. The Commission has “emphasize[d]” that the service provider-based recovery plan “is not intended to cover the rare cases in which the Commission has determined that a school or library has engaged in waste, fraud, or abuse. The Commission will address those situations on a case-by-case basis” (*id.*). HCS certainly knew that its charter had been revoked and that it had no students for Funding Year 2000-2001; thus, its actions in requesting and accepting E-rate funds would seem to constitute waste, fraud or abuse. Sprint acknowledges that the Commission has not yet made such a finding, but under the circumstances, it is reasonable to at least defer any repayment demand from Sprint in this case until a Commission finding on the nature of HCS’ actions can be made.

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<sup>4</sup> *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., and Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, 15 FCC Rcd 22975, 22980 (para. 13) (2000).

Sprint's request that the *USAC Appeal Decision* be reversed is clearly justified and reasonable. However, if the Commission declines to grant this relief, Sprint requests a waiver of any rule or policy which requires that recovery of the \$7,452.00 in COMAD funds be effected through the service provider.<sup>5</sup> The Commission has authority to suspend, waive, or amend its rules for good cause,<sup>6</sup> and Courts have held that good cause exists to waive a Commission rule if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.<sup>7</sup> As explained above, "good cause" exists in this case: the error was outside of Sprint's control; there is virtually no likelihood that HCS will ever accept responsibility for repaying the erroneously disbursed funds; and HCS arguably engaged in waste, fraud or abuse by requesting and accepting E-rate funds in Funding Year 2000-2001 when it knew that it was not an eligible entity. Requiring refunds from service providers in such cases would discourage carriers from active participation in the E-rate program and would thereby harm the public interest. To the extent that waiver of the applicable rule or policy is required in this case, such waiver is justified and warranted.

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<sup>5</sup> Although the Commission has stated that it would "seek repayment [of erroneously disbursed funds] from service providers rather than schools and libraries..." (see *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., and Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, *Order* released October 8, 1999, FCC 99-291, para. 8), insofar as Sprint is aware, this policy has never been directly codified in the Commission's rules. Rather, Section 54.702 of the Rules merely states that the Administrator of the fund is responsible for managing the fund, including recovery of erroneously disbursed funds.

<sup>6</sup> 47 C.F.R. Section 1.3.

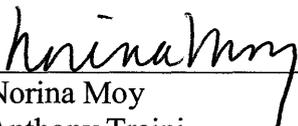
<sup>7</sup> See *WAIT Radio V. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

**3. Conclusion**

The success and integrity of the E-rate program is based on responsible behavior by all of the parties involved – the applicant, the service provider, and the program administrator. It is manifestly unreasonable to hold Sprint financially liable for decisions and actions for which it was not responsible and over which it had no control. Therefore, Sprint respectfully requests that the Commission reverse the *USAC Appeal Decision* or, in the alternative, that the Commission waive any rule which requires Sprint as the service provider to recover funds erroneously disbursed to HSC by USAC.

Respectfully submitted,

SPRINT PCS

  
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Norina Moy  
Anthony Traini  
Richard Juhnke  
Luisa Lancetti  
401 9<sup>th</sup> St., NW, Suite 400  
Washington, DC 20004  
(202) 585-1915

March 19, 2002

Attachment 1



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**Administrator's Decision on Appeal - Funding Year 2000-2001**

January 20, 2004

Anthony Traini  
Sprint PCS  
401 9<sup>th</sup> Street, Northwest, Suite 400  
Washington, DC 20004

Re: Heritage Charter School

Re: Billed Entity Number: 198748  
471 Application Number: 202864  
Funding Request Number(s): 450766  
Your Correspondence Dated: April 28, 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 Funding Year 2000 Funding Commitment Adjustment 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: 450766  
Decision on Appeal: **Denied in full**  
Explanation:

- You have stated on appeal that the appeal is filed in response to the SLD's February 28, 2003, Commitment Adjustment Letter which stated that the funding request was being rescinded in full due to a Beneficiary Audit Report which found that the Heritage Charter School had returned its Charter in September 2000 and that no students have been enrolled during Funding Year 2000 or beyond. You state that you do not dispute the findings of the Beneficiary Audit of the Heritage Charter School, or its decision to rescind the funding the school received from the SLD during Funding Year 2000. You state that Heritage Charter School submitted two BEAR forms to the SLD and was reimbursed for the full amount of the funding commitment (\$7,452.00) and Sprint flowed through all BEAR payments to the school within the prescribed timeframe, and, further, that none of these funds were retained by Sprint PCS. You also state that

Sprint readily acknowledges that determination of the eligibility of schools and libraries to participate in the E-rate program is under the exclusive domain of the SLD and it is primarily because this responsibility lays with SLD and not with service providers that Sprint is appealing SLD's attempt to recover the erroneously committed funds from Sprint. You state that although program rules require that USAC/SLD recover these erroneously committed funds from the service provider, Sprint believes that good cause exists in this particular case to waive any requirement that Sprint, as the service provider, be held responsible for recovering funds that were erroneously committed to the Heritage Charter School by the SLD. You state that Sprint was not responsible for determining the eligibility of the Heritage Charter School to receive funding from the SLD or for assessing the veracity of representations made to the SLD by the school. Thus Sprint has been placed in the difficult position of being financially responsible for decisions and actions over which it had no control. You close the appeal by stating that the success and integrity of the E-rate program is based on responsible behavior by all of the parties involved which include the applicant, service provider, and the program administrator, and it is manifestly unreasonable to hold Sprint financially liable for decisions and actions for which it was not responsible and over which it had no control. Therefore, Sprint respectfully requests grant of waiver of any program rule, which requires Sprint as the service provider to recover funds erroneously committed and disbursed to the Heritage Charter School by SLD.

- During the appeal process upon review of the documentation pertaining to the USAC Beneficiary Audit site-visit, the entity (Heritage Charter School) was found to have returned its registered Charter in September 2000 and no students were enrolled during Funding Year 2000 to present day and is, therefore, considered to be an ineligible entity based on the rules of the Support Mechanism. During the appeal review process it was determined that the purpose of the site-visit audit was to ensure the school's compliance with FCC regulations and the rules of the Support Mechanism. In accordance with the audit plan it was documented within the Audit Report the scope of the audit and the observations that were witnessed at the time of the site-visit. It was also determined that the applicant was provided the opportunity to respond to the report and provide information that would support the fact that the entity receiving requested services did in fact have a registered Charter. It was determined on appeal that the SLD Commitment Adjustment Letter that was issued to the applicant and the related service provider informing them of the commitment adjustment that was performed on this funding request (the rescinding of \$7,452.00 in full) was properly justified (based on the facts that were uncovered during the USAC Beneficiary Audit) and was done according to the rules of the Support Mechanism concerning ineligible entities.
- On appeal you state that two Billed Entity Application Reimbursement (BEAR) forms were submitted by the applicant and Sprint PCS flowed through all BEAR payments to the school within the prescribed timeframe and none of the approved

funds were retained by Sprint PCS. You state that this is the basis of the filed appeal, and that you agree with the commitment adjustment but would like the SLD to recover these funds from the Billed Entity and leave you (the service provider) out of the process entirely. During the appeal review process it was determined that two Invoices were submitted for payment; **Invoice: 159357** which was approved by the SLD on February 12, 2001, for \$5,330.94 and **Invoice: 184766** which was approved by the SLD on March 22, 2001 for \$2,121.06 and according to the records of the SLD Invoicing Department and Disbursement Agent these invoices were approved and paid to Sprint Spectrum LP / Phillieco LP (SPIN: 143006742). According to the rules of the Support Mechanism the erroneously committed and disbursed funding must be recovered (as was outlined in the previously issued Commitment Adjustment Letter). Therefore, your request for grant of waiver on appeal is denied in full.

- The SLD decision to seek recovery of funds from the service provider that were committed and disbursed in error is a direct result of an audit conducted by the USAC, and permitted under FCC rules.<sup>1</sup> With FCC oversight, USAC is expressly permitted to recover funds from an applicant or service provider if such sums were disbursed contrary to program rules and/or legislative intent.<sup>2</sup> However, nothing precludes the service provider from seeking legal redress from the school or library if it believes such actions are warranted.

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

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<sup>1</sup> § 54.516(c)

<sup>2</sup> See Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket 97-21 and 96-45, *Order*, 15 FCC Rcd. 22,975 (2000).

cc: Don Jones  
Heritage Charter School  
9660 Audelia, Suite 405  
Dallas, Texas 75238

**Attachment 2**

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT SYNOPSIS (Funding Year 3)

Service Provider Name: Sprint Spectrum LP / Phillieco LP (dba Sprint PCS)  
Service Provider Identification Number: 143006742

Funding Request Number: 450766  
Form 471 Application Number: 202864  
Form 470 Application Number: 203720000276930  
Name of 471 Applicant: HERITAGE CHARTER SCHOOL  
Applicant Street Address: 2022 W. NORTHWEST HWY # 129  
Applicant City: GRAPEVINE  
Applicant State: TX  
Applicant Zip: 76051  
Site Identifier: 200808  
Name of Contact Person: DON JONES  
Preferred Mode of Contact: FAX  
Contact Information: 817-329-9182  
Name of Form 486 Contact Person: DON JONES  
Address of Form 486 Contact: 2022 W. NORTHWEST HWY # 129  
City of Form 486 Contact: GRAPEVINE  
State Code of Form 486 Contact: TX  
Zip of Form 486 Contact: 76051  
FAX of Form 486 Contact: 817-329-9182  
Telephone of Form 486 Contact: 817-421-5594  
E-mail Address of Form 486 Contact: donj@hotmail.com  
Funding Year: 07/01/2000 - 06/30/2001  
Contract Number: T  
Services Ordered: Telecommunications Service  
Billing Account Number: NOT PROVIDED  
Actual Service Start Date: 07/01/2000  
Contract Expiration Date:  
Total Program Year Pre-discount Amount: \$8,280.00  
Applicant's Approved Discount Percentage: 90%  
Funding Commitment Decision: \$7,452.00

**Attachment 3**



**Universal Service Administrative Company**

Schools & Libraries Division

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

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**COMMITMENT ADJUSTMENT LETTER**

February 28, 2003

Tony Traini

Sprint Spectrum LP / Phillieco LP (dba Sprint PCS)

401 9th Street NW, Suite 400

Washington, DC 20004

Re: COMMITMENT ADJUSTMENT

Funding Year: 2000-2001

Form 471 Application Number: 202864

Applicant Name: HERITAGE CHARTER SCHOOL

Contact Person: DON JONES

Contact Phone: 972-258-1198

Dear Service Provider Contact:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust these funding commitments. The purpose of this letter is to inform you of the adjustments to these funding commitments required by program rules.

**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 FRNs from the application for which adjustments are necessary. The SLD is also sending this information to applicant, so that you may work with them to implement this decision. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

Please note that if the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the funds disbursed. The amount is shown as Funds to be Recovered. We expect to send you a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to the applicant. If the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount.

## TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE DATE AT THE TOP OF 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 Commitment Adjustment Letter you are appealing. Your letter of appeal must include the applicant name and the Form 471 Application Number from the top of this Commitment Adjustment Letter.
3. Identify the particular Funding Request Number(s) (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Commitment Adjustment Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, you will enable us to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125- Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site [www.sl.universalservice.org](http://www.sl.universalservice.org) or by calling the Client Service Bureau at 1-(888)-203-8100. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. 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, [www.sl.universalservice.org](http://www.sl.universalservice.org) or by calling the Client Service Bureau at 1-(888)-203-8100. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the FCC. 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.

## A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each funding request from your application for which a commitment adjustment is required. We are providing the following definitions.

- **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each request in 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.
- **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.
- **SERVICE PROVIDER:** The legal name of the service provider.
- **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- **SITE IDENTIFIER:** The Entity Number listed in Form 471 for “site specific” FRNs.
- **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.
- **ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has committed to this FRN. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.
- **FUNDS DISBURSED TO DATE:** This represents the total funds which have been paid up to now to the identified service provider for this FRN.
- **FUNDS TO BE RECOVERED:** This represents the amount of Funds Disbursed to Date that exceed the Adjusted Funding Commitment amount. These funds will have to be recovered. If the Funds Disbursed to Date do not exceed the Adjusted Funding Commitment amount, this entry will be \$0.
- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

## Funding Commitment Report for Application Number: 202864

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Funding Request Number: 450766                      SPIN: 143006742  
Service Provider: Sprint Spectrum LP / Phillieco LP (dba Sprint PCS)  
Contract Number: T  
Services Ordered:            TELCOMM SERVICES  
Site Identifier: 200808            HERITAGE MAIN CAMPUS  
Billing Account Number: NOT PROVIDED  
Adjusted Funding Commitment:                      \$0.00  
Funds Disbursed to Date:                              \$7,452.00  
Funds to be Recovered:                                \$7,452.00

**Funding Commitment Adjustment Explanation:**

After thorough investigation, it was determined that this funding request must be rescinded in full. A Beneficiary Audit found that the entity (Heritage Charter School) receiving this service is ineligible to receive discounts due to the fact that the school had returned its charter in September of 2000 and that no students were enrolled during Funding Year 2000 or beyond. According to the rules of the SLD Support Mechanism the primary purpose of the services for which support is sought must be the delivery of services into classrooms or other places of instruction at schools and libraries that meet the statutory definition of an eligible institution. Since the services requested were not put to an educational use at an eligible institution the commitment amount has been rescinded in full.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **APPEAL OR, IN THE ALTERNATIVE, REQUEST FOR WAIVER OF SPRINT PCS** was filed by electronic mail on this the 19<sup>th</sup> day of March, 2004 to the below-listed parties.

  
Christine Jackson

March 19, 2004

William Maher, Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Norda Jones, Esq.  
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