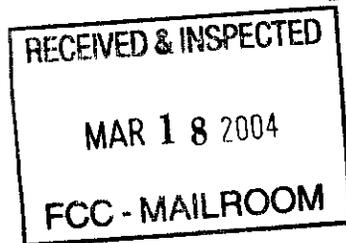


NATHANIEL HAWTHORNE
Attorney at Law/Consultant
Admitted in Ohio, Illinois and the District of Columbia

www.telecomlawyer.com
email nhawthorne@earthlink.net

27600 Chagrin Boulevard
Suite 260
Cleveland, OH 44122
(216) 514-3336
fax (216) 514-3337



Express Mail ET716363015US

Appeal, and request for Expedited Relief, to the Federal Communications Commission on behalf of Mason County School District

96-45

March 15, 2004

Secretary
Office of the Secretary
Federal Communications Commission
445 -12th Street, S W , Rm TW-204B
Washington, D C 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

A handwritten signature in black ink that reads "Nathaniel Hawthorne".

Nathaniel Hawthorne
Attorney for Mason County School District

No. of Copies rec'd
List ABCDE

04

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MAR 18 2004
FCC - MAILROOM

Express Mail ET716363015US

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

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

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

March 15, 2004

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

This is an appeal from a decision by the Schools and Libraries Division of the USAC.
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.
Please time stamp the extra copy and return it to me in the enclosed self addressed-
stamped envelope

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

Form 471 Application Number:	343928
Funding Year 2003.	07/01/2003-06/30/2004
Billed Entity Number:	126694
Date of Funding Denial Notice:	March 3, 2004
Date of Appeal.	March 15, 2004

(2) **SLD Contact Information**

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

(b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)
27600 Chagrin Blvd., Ste 265
Cleveland, OH 44122
Tel. (216) 514.4798

(3) **Funding Request Numbers Appealed**

FRN -991724

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

The SLD stated that funding is denied because:

“30% or more of this FRN includes a request for unsubstantiated charges which
are ineligible per program rules.”

(5) **The “30% rule” was incorrectly applied by the SLD.**

- a) The Mason County School District (Mason) prepared and filed a FCC Form 471 for telecommunications service with Verizon-West Virginia Inc. as the vendor. The service had an “estimated” monthly charge of \$6,000.00.
- b) **Exhibit A** is the “billing” that Mason submitted to the SLD.
- c) The actual charges were \$4,170 76. While the District’s request for funding was based on anticipated (estimated) telecommunications usage, Mason’s expenses should have been reduced rather than denied
- d) The FCC’s 30% rule provides, *in relevant part*, “[if] 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding Commitment Decision Letter will cite the ineligible services for which funds were not committed If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items.
[Emphasis added.] **Here, there are no ineligible expenses as expenses relate to ineligible “services” included in Mason’s USF request.**
“Unsubstantiated expenses” do not equate to ineligible services.
- e) Based on the 30% rule and the attached exhibit, there is no reasonable basis for the denial.

Conclusion:

Mason is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN –991724;**
- (b) Set aside funds to totally fund Mason’s request.**

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. · 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel · 216/514.4798
e-mail nhawthorne@earthlink net

Attorney for
Mason County School District

Exhibit A

FAX COVER SHEET

To: Wes Woodman – SLD
Fax: 1.973.599.6513
From: Linda Alexander
Date: October 29, 2003
Subject: Mason County School District
Application # 343928
Pages: 61 (Including Cover)

FRN: 991724

Verizon – Local Service - see attached bills pages 2-35
Please reduce the FRN to the amount substantiated by the documents

FRN: 991763

AT&T - Long Distance Service - see attached bills pages 37-53

FRN: 991847

AT&T – Wireless Service - see attached bills pages 54-56

FRN: 991821

RAM – Paging Service - see attached bill page 57

Entity 27040 – Discount Validation

Entity number 27040 (Mason County Vocational Center) was incorrectly input. The correct entity number should have been 26833 (Mason Elementary School)

Attached is the documentation previously sent to validate the 90% discount for Mason Elementary School. See pages 58 - 61

If I can be of further assistance, please contact me.

Linda Alexander, email: lalexander000@ameritech.net
Tel: 216.682.0169 Fax: 216.514.3337

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MASON COUNTY OF
 WAHAMA HIGH SCHOOL
 024 120-4413

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 5/19/03.....	\$850.53
Payment(s). Thank you. 6/3.....	\$850.53 ^a
Balance.....	\$.00
Verizon Services.....	\$850.53
Current Charges Due by 7/18/03	\$850.53
Total Amount Due by 7/18/03	\$850.53

✓ To enroll in the Verizon Direct D
 Payment Option, please read and
 sign the agreement on the rever
 of the payment form.

A late payment charge not to exceed 1% applies to
 any balance carried forward to next month's bill.

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جواز مسدود
 JUN 25 2003
 MASON COUNTY

PAID

FRN: 991724
 PAGE: 2

Please write in amount enclosed and send this coupon with your payment in U.S. dollars to the address below



How Your Charges are Billed

Your telephone bill includes five types of service charges:

1. **Basic Service Charges** - Charges for local telephone service, dial tone line, associated services and installation charges. Your bill will always include some regulated service charges, even if you do not use your phone.
2. **Non-Basic Service** - All charges other than Basic, Toll, Non-Telcom or Directory Advertising.
3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	.00	.00
Non-Basic Charges	.00 *	850.53	850.53
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	.00	.00
Directory Advertising	.00 *	.00	.00
Totals	\$0.00 *	\$850.53	\$850.53

* Failure to pay an amount indicated by the asterisk could result in the discontinuance of those services. For example, if basic charges are marked by an asterisk and basic charges are not paid, you could lose dial tone.

The following pages provide billing detail for the charges listed. If you have questions or complaints, call us using the telephone number found at the top of the Verizon pages of your bill.

Verizon-West Virginia is a utility regulated by the Public Service Commission of West Virginia. Please mail payments to Verizon-WV, P.O. Box 17577, Baltimore, Maryland 21287-0513. Payments received on any business day will be credited to your account the next business day. Payments credited to your account on or before the due date are considered "on-time" if your payment is late, we will notify you that your service may be disconnected.

For information about your Verizon service, see the "Customer Guide" in front of your phone book. (Federal Tax ID 55-0142020)

FRN: 991724
 PAGE: 3



LEON GRADED SCHOOL
% MASON-CO BD EDUC
304 458-1710

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/28/03.....	\$68.53
Payment(s). Thank you. 5/14.....	\$68.53
Balance.....	\$ 0.00
Verizon Services.....	\$66.53
Current Charges Due by 6/27/03.....	\$66.53
Total Amount Due by 6/27/03.....	\$66.53

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

FRN: 991724
PAGE: 4

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Please write in amount enclosed and send this coupon with your payment in U.S. dollars to the address below



Account 000042328006 41Y
 Page 2 of 9
 Questions? Call: (800) 607-6575

How Your Charges are Billed

Your telephone bill includes five types of service charges:

1. **Basic Service Charges** - Charges for local telephone service, dial tone line, associated services and installation charges. Your bill will always include some regulated service charges, even if you do not use your phone.
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4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	27.77	27.77
Non-Basic Charges	.00 *	33.06	33.06
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	5.70	5.70
Directory Advertising	.00 *	.00	.00
Totals	\$0.00 *	\$66.53	\$66.53

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FRN: 991724

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MASON COUNTY OF
HANNAH HIGH SCHOOL
304 576-2571

Manage your account online at www.verizon.com

105
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Account Summary

Amount of last bill dated 7/20/02.....	\$222.77
Payment(s). Thank you 8/12.....	\$222.77
Balance.....	\$0.00
Verizon Services.....	\$222.81
Current Charges Due by 9/19/02.....	\$222.81
Total Amount Due by 9/19/02.....	\$222.81

✓ To enroll in the Verizon Direct D
Payment Option, please read and
sign the agreement on the rever
of the payment form.

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

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AUG 27 2003
MASON COUNTY
BOARD OF EDUCATION

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Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below

FRN: 991724
PAGE: 6



How Your Charges are Billed

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5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	58.84	58.84
Non-Basic Charges	.00 *	157.72	157.72
Toll Charges	.00 *	.00	.00
Non-Telecom Charges	.00 *	6.25	6.25
Directory Advertising	.00 *	.00	.00
Totals	\$.00 *	\$222.81	\$222.81

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FRN: 991724
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SUPERINTENDENT OF
307 8TH ST
304 576-9931

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 5/20/03.....	\$284.59
Payment(s).....	\$.00
Unpaid Balance. Please Pay Now.....	\$284.59
Verizon Services.....	\$260.11
Current Charges Due by 7/19/03.....	\$260.11
Total Amount Due.....	\$544.70

To enroll in the Verizon Direct De Payment Option, please read and sign the agreement on the revers of the payment form.

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

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JUN 27 2003
MASON COUNTY
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FRN: 991724
PAGE: 8

V Detach & return payment slip with your check, payable to Verizon



How Your Charges are Billed

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5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	189.60 *	164.17	353.77
Non-Basic Charges	88.54 *	89.43	177.97
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	6.45 *	6.51	12.96
Directory Advertising	.00 *	.00	.00
Totals	\$284.59 *	\$260.11	\$544.70

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FRN: 991724

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MASON COUNTY SCHOOL
BUS GARAGE
304 675-2740

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 5/28/03.....	\$80.12
Payment(s). Thank you. 6/23.....	\$-80.12
Balance.....	\$0.00
Verizon Services.....	\$148.91
Current Charges Due by 7/27/03.....	\$148.91
Total Amount Due by 7/27/03.....	\$148.91

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

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FRN: 991724
PAGE: 10

V Detach & return payment slip with your check, payable to Verizon

10/29/2003 10:30 FAX 675-2163

MASON CO BOARD E



How Your Charges are Billed

- Your telephone bill includes five types of service charges:
1. Basic Service Charges - Charges for local telephone service, dial tone, the associated services and installation charges. Your bill will always include some regulated service charges, even if you do not use your phone.
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 5. Directory Advertising Charges - Charges for advertising in the directory.

Part Due Balance	Current Charges	Totals
Basic Charges	26.94	26.94
Non-Basic Charges	118.82	118.82
Toll Charges	.00	.00
Non-Toll Charges	3.15	3.15
Directory Advertising	.00	.00
Totals	\$148.91	\$148.91

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For information about your Verizon service, see the "Customer Guide" in front of your phone book. (Federal Tax ID 55-0142020)

Account 000042328569 16Y
Page 1 of 9
Questions? Call: (800) 607-6575

Manage your account online at www.verizon.com

MSN CNTY BRD OF ED
PON 13585
304 675-4350

Account Summary

Amount of last bill dated 5/28/03	\$27.85
Payment(s) Thank you, 6/23	\$-27.85
Balance	\$.00
Verizon Services	\$51.88
Current Charges Due by 7/27/03	\$51.88
Total Amount Due by 7/27/03	\$51.88

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

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FRN: 991724
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V Detach & return payment slip with your check, payable to Verizon

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5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Fast Due Balances	Current Charges	Totals
Basic Charges	.00 *	12.07	12.07
Non-Basic Charges	.00 *	35.56	35.56
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	4.25	4.25
Directory Advertising	.00 *	.00	.00
Totals	\$0.00 *	\$51.88	\$51.88

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