

RECEIVED  
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	)	
	)	
	)	
	)	CC Docket No. 96 - 45
Federal-State Joint Board on	)	
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.**

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)

1005

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



Billing Date 0/19/03  
 Account 000871636321 66Y  
 Page 1 of 8  
 Questions? Call. (888) 229-0492

MASON COUNTY OF  
 WAHAMA HIGH SCHOOL  
 024 120-4413

Manage your account online at [www.verizon.com](http://www.verizon.com)

**Account Summary**

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

✓ 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.

2375  
 014

JUN 25 2003  
 MASON COUNTY

MD

FRN: 991724  
 PAGE: 2

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

10/29/2003 WED 12:07 FAX 3046757226

MASON COUNTY BD OF ED

005



10/29/2003 WED 12:07 FAX 3046757220

### 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
<b>Totals</b>	<b>\$0.00 *</b>	<b>\$850.53</b>	<b>\$850.53</b>

\* 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 21297-0513. 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)

MASON COUNTY BD OF ED

FRN: 991724  
 PAGE: 3



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

Manage your account online at [www.verizon.com](http://www.verizon.com)

### Account Summary

Amount of last bill dated 4/28/03. ....	\$68.53
Payment(s). Thank you 5/14. ....	\$68.53 <sup>ca</sup>
Balance. ....	\$ .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

2375  
206

PAID

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-Telecom 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
<b>Basic Charges</b>	.00 *	27.77	27.77
<b>Non-Basic Charges</b>	.00 *	33.06	33.06
<b>Toll Charges</b>	.00 *	.00	.00
<b>Non-Telecom Charges</b>	.00 *	5.70	5.70
<b>Directory Advertising</b>	.00 *	.00	.00
<b>Totals</b>	<b>\$0.00 *</b>	<b>\$66.53</b>	<b>\$66.53</b>

\* 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 21297-0513. 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: 5



MASON COUNTY OF  
HANNAH HIGH SCHOOL  
304 576-2571

Manage your account online at [www.verizon.com](http://www.verizon.com)

100  
528

### Account Summary

Amount of last bill dated 7/20/02.....	\$222.77
Payment(s). Thank you. 8/12.....	\$222.77
Balance.....	\$ .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.

**RECEIVED**  
AUG 27 2002  
MASON COUNTY  
BOARD OF EDUCATION

**PAID**

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

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
<b>Basic Charges</b>	.00 *	58.84	58.84
<b>Non-Basic Charges</b>	.00 *	157.72	157.72
<b>Toll Charges</b>	.00 *	.00	.00
<b>Non-Telcom Charges</b>	.00 *	6.25	6.25
<b>Directory Advertising</b>	.00 *	.00	.00
<b>Totals</b>	<b>\$0.00 *</b>	<b>\$222.81</b>	<b>\$222.81</b>

\* 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 21297-0513. 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: 7



SUPERINTENDENT OF  
307 8TH ST  
304 576-9931

Manage your account online at [www.verizon.com](http://www.verizon.com)

### Account Summary

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

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

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

2375  
216  
M.D

JUN 27 2003  
BC MAILING UNIT  
SECTION

FRN: 991724  
PAGE: 8

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



**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
<b>Basic Charges</b>	189.60 *	164.17	353.77
<b>Non-Basic Charges</b>	88.54 *	89.43	177.97
<b>Toll Charges</b>	.00 *	.00	.00
<b>Non-Telcom Charges</b>	6.45 *	6.51	12.96
<b>Directory Advertising</b>	.00 *	.00	.00
<b>Totals</b>	<b>\$284.59 *</b>	<b>\$260.11</b>	<b>\$544.70</b>

\* 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 21297-0513. 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: 9



MASON COUNTY SCHOOL  
BUS GARAGE  
304 675-2740

Manage your account online at [www.verizon.com](http://www.verizon.com)

### Account Summary

Amount of last bill dated 5/28/03.....	\$80.12
Payment(s). Thank you. 6/23.....	\$ -80.12
Balance.....	\$ .00
Verizon Services.....	\$148.91
Current Charges Due by 7/27/03.....	\$148.91
Total Amount Due by 7/27/03.....	\$148.91

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

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

2375  
014

JUL 07 2003

PAID

FRN: 991724  
PAGE: 10

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

10/29/2003 10:30 FAX 875+2163

MASON CO BOARD E

10/28/2003 10 30 FAX 075-2183

### 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.

	Part Due Balances	Current Charges	Totals
Basic Charges	.00 *	28.94	28.94
Non-Basic Charges	.00 *	118.82	118.82
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	3.15	3.15
Directory Advertising	.00 *	.00	.00
<b>Totals</b>	<b>\$ .00 *</b>	<b>\$148.91</b>	<b>\$148.91</b>

\* 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 21297-0513.

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)

MASON CO BOARD E

FRN: 991724  
 PAGE: //

258



MSN CNTY BRD OF ED  
PON 13585  
304 675-4350

Manage your account online at [www.verizon.com](http://www.verizon.com)

### 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

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

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

JUL 07 2003

2375  
502

PAID

FRN: 991724  
PAGE: 12

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

10/29/2003 10:10 FAX 875-2181

MASON CO BOARD F

444

10/29/2003 10:30 FAX 075+2163

### 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 *	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
<b>Totals</b>	<b>\$0.00 *</b>	<b>\$51.88</b>	<b>\$51.88</b>

\* 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 21297-0513. 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)

MASON CO BOARD E

FRN: 991724  
PAGE: 13

045



Billing Date 6/28/03  
Account 000042328574 19Y  
Page 1 of 21  
Questions? Call: (800) 315-4477

SUPERINTENDENT OF  
307 8TH ST  
304 675-4540

Manage your account online at [www.verizon.com](http://www.verizon.com)

### Account Summary

Amount of last bill dated 5/28/03.....	\$214.26
Payment(s). Thank you. 6/23 .....	\$-214.26
Balance. ....	\$ .00
Verizon Services .....	\$447.36
Current Charges Due by 7/27/03.....	\$447.36
Total Amount Due by 7/27/03 .....	\$447.36

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

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

JUL 07 2003

2375  
001

1111

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

FRN: 991724

PAGE: 14

FRN: 991724

PAGE: 15



Billing Date 6/28/03  
 Account 000042328574 19Y  
 Page 2 of 21  
 Questions? Call: (800) 315-4477

**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
<b>Basic Charges</b>	00 *	86.96	86.96
<b>Non-Basic Charges</b>	.00 *	341.40	341.40
<b>Toll Charges</b>	.00 *	.00	.00
<b>Non-Telcom Charges</b>	.00 *	19.00	19.00
<b>Directory Advertising</b>	.00 *	.00	.00
<b>Totals</b>	\$0.00 *	\$447.36	\$447.36

\* 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 21297-0513. 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)