

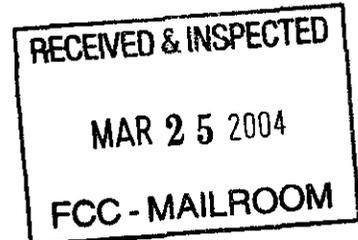
DISTRICT 130 PUBLIC SCHOOLS

12300 South Greenwood Avenue • Blue Island, Illinois 60406 • District Office 708/385-6800
Fax 708/385-8467

Letter of Appeal

Universal Service "E-Rate" Program: CC Docket Nos. 96-45 and 97-21

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554



Applicant Name: Cook County School District #130
12300 S. Greenwood Ave.
Blue Island, IL 60406
Phone: (708) 385-6800
Fax: (708) 385-8467

Entity Number: 135491
District Contact: Anthony L. Cucci

471 APPLICATION NUMBER: 357892

NOTICE OF FUNDING YEAR 2003-2004

**FUNDING REQUEST NUMBERS: 967018, 967025, 967075, 967113, 967131, 967161,
967186, 967205, 967226, 967243, 967286, 967316,
967402, 967426, 967450, 967465, 967497, 967588,
967615, 967660, 967684, 967697, 968203, 968221,
968250, 968263, 968283, 968293, 968311, 968316,
968326, 968337, 968346.**

USAC DECISION ON APPEAL: DENIED IN FULL

EXPLANATION: Form 470 # 463450000416949

Posting Date: 09/27/2002

Allowable Contract Date: 10/25/2002

was deemed not certified.

In this submission, we are appealing the Schools and Libraries Division of USAC's ("SLD") decision on appeal for the funding year 2003, also attached herein as Attachment A. In brief, the SLD has determined that Cook County School District #130 ("applicant") could not prove that the original Form 470 was certified within the Feb. 6, 2003 close of the window for Funding Year 2003.

We agree with the SLD that we cannot produce a post-office generated receipt or confirmation of having sent in the pages on 10/10/02. Instead, we have provided another copy of the original Block 6 certification page, of which we attach another copy here (as Attachment B). We certify here that this is a copy of the original that was sent on 10/10/02 date.

No. of Copies rec'd 0
List ABCDE



Issues in the Case:

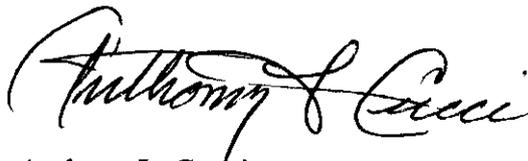
Anthony Cucci delivered the unsigned Form 470 for funding year 2003-2004 to the School District 130 Superintendent's (Dr. Barbara Mackey) office for signature on 9/27/2002 after attending the Illinois Board of Education Workshop. At this workshop Anthony Cucci submitted the Form 470 online with paper certification. The Dr. Barbara Mackey signed the Form 470 on 10/10/02 and gave the form to Anthony Cucci who made copies then mailed the Form 470 signature page to the Schools and Libraries Division (SLD). There is a possibility that this Form 470 was lost in the mail or lost at the SLD. This same scenario (lost Form 470) happened the previous funding year 2002-2003, but in this case Anthony Cucci was able to produce a receipt proving that the district mailed it on time etc. The SLD for that year never acknowledged that they lost the Form 470 and then finally approved the application a year later for the 2002-2003 funding.

After SLD informed our School District 130 that the Form 470 for 2003-2004 funding year was not filed on time, we appealed the SLD decision. Ricardo Tostado from the Illinois Board of Education, allowed our School District 130 to use the State Board of Education's Form 470 number (383730000413920) as it did include telecommunications services. Our School District 130 used this number to get our Telecommunications funding approved for the district. The person from the SLD was Eric J. Flock who accepted this Form 470 number while our appeal for the lost Form 470 number was being processed (Attachment C - email document dated June 9, 2003). Throughout the month of June 2003, Eric J. Flock (SLD) and Anthony Cucci (SD130) exchanged information back and forth over the telephone and fax machines to get approval for the Internal Connections for 2003-2004 funding year. Example: Anthony Cucci sent Eric (SLD) copies of the Internal Connections vendor's plans for products and labor etc. with the understanding that everything was now OK for our Form 470. Then on July 1, 2003 Eric J. Flock (SLD) called Anthony Cucci and asked Anthony again for the establishing Form 470 number. Anthony asked Eric why? Eric said that SLD needed another email from School District 130 authorizing SLD to process the Form 470. Anthony asked Eric about the number that Eric had received back on June, 2003. Eric then suggested that Anthony use the original Form 470 number that was being appealed because he saw no problem using that number. As you can see from the email dated July 1, 2003 (Attachment D), Anthony Cucci gave Eric J. Flock (SLD) the original Form 470 number and Anthony also noted in the email that he does not have proof of mail notification. Eric said it was fine! Soon (within a week) after Anthony emailed Eric J. Flock (SLD), the Schools and Libraries Division rejected School District 130's Internal Connections for funding year 2003-2004. We feel this was inappropriate and unfair.

The online systems showed that our Form 470 was filed, and we continued to put together a list of proposals and vendors for the Form 471. The online system allowed entries to be made with the assumption that a Form 470 is on file and certified. The SLD online system accepted our Form 471 within the February 6, 2003 close window. This let us believe that everything was ok for the Form 470 as well, because you should not be able to submit for approval a Form 471 without having valid Form 470 filed.

Please reconsider our clam and allow us to continue to provide the necessary infrastructure for our teachers and students. Don't hesitate to call with any further questions or concerns.

Sincerely,

 3/19/2004

Anthony L. Cucci
Cook County School District 130
Technology Director/Coordinator
12300 S. Greenwood Avenue
Blue Island, IL 60406-1558
(708) 385-6800 x139
(708) 385-8467 (fax)
(708) 259-7717 (cell) preferred
acucci@sd130.s-cook.k12.il.us

- In addition to your letter of appeal, you have included a copy of your Form 470, Block 1 & 5 pages. You claim that the 470 Certification page, with the signature date of 10/10/02, was mailed on a timely basis. Additionally, you claim not to be responsible for the delivery of this certification, which you assert, appears to have been lost in the mail. Furthermore, you claim that the lack of the receipt of the certification has not affected your solicitation of bids for services and tentative contractual agreements.
- PIA reviewed the filed Form 470 and contacted you to confirm if the Form 470 was indeed the establishing Form 470. You were advised that the receipt of the certification page within the window was critical for compliance with this support mechanism. In your response, you volunteered that you did not have a mail notification receipt for the Block 6 certification page. Since there is no proof of mailing within the window, we are dependent on the electronic date records. To be eligible as a valid posting of the Form 470, the certification page must be received within the filing window. Since the Form 470 certification page was not received within the window, and there is no proof of mailing, the FRN is denied in full.
- 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 received or 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

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 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: 463450000416949
Applicant's Form Identifier: 470D130FY2004
Application Status: COMPLETE
Posting Date: 09/27/2002
Allowable Contract Date: 10/25/2002
Certification Received Date:

1. Name of Applicant: COOK COUNTY SCHOOL DIST 130			
2. Funding Year: 07/01/2003 - 06/30/2004		3. Your Entity Number 135491	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 12300 GREENWOOD AVE			
City BLUE ISLAND	State IL	Zip Code 5Digit 60406	Zip Code 4Digit 1558
b. Telephone number (708) 385- 6800	ext. 139	c. Fax number (708) 385- 8467	
d. E-mail Address acucci@sd130.s-cook.k12.il.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 checked="" type="radio"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)			
<input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Anthony L. Cucci			
6b. Street Address, P.O.Box, or Route Number (if different from Item 4)			

46345000416949

ATTACHMENT IV-H

Entry Number 135491 Applicant's Form Identifier 4700130EY2004
 Contact Person Anthony L. Cucci Phone Number 708 385-6800 x139

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 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; 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/or 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 *Barbara Mackey* 26 Date 10/10/02

27 Printed name of authorized person Dr. Barbara Mackey

28 Title or position of authorized person Superintendent

29 Telephone number of authorized person: (708) 385-6800, ext. 103

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.

Anthony Cucci

From: Anthony Cucci [acucci@sd130.s-cook.k12.il.us]
Sent: Monday, June 09, 2003 3:16 PM
To: Eric J. Flock (eflock@sl.universalservice.org)
Subject: 470 Number: 383730000413920
Importance: High

This is my establishing 470 Number: 383730000413920.

Thanks.

Anthony Cucci
Cook County School District 130
Technology Director/Coordinator
12300 S. Greenwood Avenue
Blue Island, IL 60406-1558
(708) 385-6800 x139
(708) 385-8467 (fax)
(708) 259-7717 (cell) preferred
acucci@sd130.s-cook.k12.il.us

Anthony Cucci

From: Anthony Cucci [acucci@sd130.s-cook.k12.il.us] on behalf of acucci@sd130.s-cook.k12.il.us
Sent: Tuesday, July 01, 2003 1:58 PM
To: Eric J. Flock (eflock@sl.universalservice.org)
Cc: Ricardo Tostado (rtostado@isbe.net)
Subject: 470 Number: 463450000416949 for 471 Application Number: 357892
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

This is my establishing 470 Number: 463450000416949 for 471 Application Number: 357892. Please note that I do not have a receipt of mail notification for this 470 Application number.

If you have any questions, please contact me.

Sincerely,

Anthony Cucci
Cook County School District 130
Technology Director/Coordinator
12300 S. Greenwood Avenue
Blue Island, IL 60406-1558
(708) 385-6800 x139
(708) 385-8467 (fax)
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