

April 12, 2004

FCC

Office of Secretary

Subject: **CC Docket No. 02-6**
Request for Review

From: Lee Itawamba Library System
219 N. Madison Street
Tupelo, MS 38804
662-841-9027 phone
662-840-7615 fax
lj@li.lib.ms.us

We are asking that you consider the information below and reverse the SLD's denial of Funding Request Numbers 1005220, 1005575 and 1005540.

The instructions for filing form 470 are quite ambiguous and we filed them to the best of our understanding. Although some information on the 470 may be technically incorrect, other information on the same form should make it apparent that we *were* seeking services for *both library branches*. The Itawamba County Pratt Memorial Library is located in Fulton, MS, a small town with a small private phone company. As we have never received any inquiries from any vendors regarding providing services for that branch, common sense should suggest that had the form 470 been absolutely perfect the outcome would have been the same.

We ask that a small technical error, caused at least partially by the confusing instructions from the SLD, not be used as the basis to deny much needed funding, *especially when the competitive bidding process was not injured in any way*.

Below in order is the correspondence from the SLD and the Lee Itawamba Library concerning this situation.

Please give us all consideration that you can, and thanks in advance for your help with this matter.

Sincerely,

Lin Joiner
Lee County Library
219 N. Madison St.
Tupelo, MS 39204
662-841-9013
lj@li.lib.ms.us

**letter from Bob Chromy
PIA Reviewer, SLD (E-Rate Program)**

Oct. 21, 2003

Lin Joiner
LEE-ITAWAMBA LIBRARY SYSTEMS
662-841-9029
Application Number: 368611

Dear Lin:

We are in the process of reviewing all Form 471 applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. I am currently in the process of reviewing your Funding Year 2003 Form 471 Application. To complete my review I need some additional information. The information needed to complete the Review is listed below.

I. FRNs 1004942, 1005170: Establishing 470:

For these FRNs the Contract Award Dates (10/02/1998 for FRN 1004942 and 12/15/1998 for FRN 1005170) for the services requested are before the Allowable Contract Date (01/03/2003) of the cited Form 470.

The rules of this support mechanism require that the CAD be after the ACD. Please answer the following question, and provide the requested documentation as indicated:

If the referenced Form 470 is NOT the establishing Form 470, please provide the 15-digit Form 470 Number that did establish the bidding for the FRN(s). The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. The establishing 470 could have been posted by the State, if the requested services are being purchased off of a State Master Contract, which appears to be the case based on the contract numbers specified.

Just provide the 15-digit numbers of the 470's for each of these two FRNs and request that I change the FRNs to reference the correct number. I recommend that you call me before responding to be sure you understand what is needed.

II. Billed Entity Check:

On your original Form 471 you indicated that Form 470 # 29385000440095 is the establishing Form 470 for the services requested on this Form 471. This Form 470 does

not identify all of the billed entities that were identified on your Form 471. The rules of this support mechanism require that all billed entities or entities receiving service on a Form 471 application, be identified on the establishing Form 470 in order to ensure that potential bidders were aware of the scope of work being requested.

Please verify if the referenced Form 470 is the establishing Form 470 for the services on this Form 471. If the referenced Form 470 is NOT the establishing Form 470 please provide the 15-digit Form 470 Number that did establish the bidding for the various FRN's. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. The establishing Form 470 could have been posted by the State, if the requested services are being purchased off of a State Master Contract.

Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request.

Please fax or email the requested information to my attention. If you have any questions please feel free to contact me.

It is important that we receive all of the information requested so PIA can complete its review. Failure to do so may result in a reduction or denial of funding.

If we do not receive the information within seven calendar days, your application will be reviewed using the information currently on file.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Bob Chromy
PIA Reviewer, SLD (E-Rate Program)
email: bchromy@sl.universalservice.org
Phone: 973-428-7354
Fax: 973-599-6516

Lee Itawamba Library's response to Bob Chromy

Bob,

Regarding item 1 in the e-mail you sent me, on form 471 Application number 368611 for FRN's 1004942 and 1005170 please change line 12 to the correct 470 application number which is 244830000109055.

Regarding item 2 in the e-mail (billed entity check),
There is one library system named Lee-Itawamba Library System. Lee-Itawamba Library System's billed entity number is 209867. There are 2 branches named Lee County Library and

Itawamba County Pratt Memorial library. Lee County Library's billed entity number is 128570.
Itawamba County Pratt Memorial library's billed entity number is 43022.
Form 470 application number 293850000440095 is the correct Form 470 (except as noted above -item 1), but it was inadvertently filled out incorrectly because of a lack of understanding about the term billed entity. We have one entity that pays bills and we refer to it as Lee County Library most of the time. I now realize that even though one entity pays the bills, we have 2 entities that are have their names on the bills (thus billed entities) and both need to be included on the form 470.
On Form 470 application number 293850000440095 please correct the following:
Block 1Line 1 (name of applicant) should be Lee-Itawamba Library System
Block 1Line 3 (your entity number) should be 209867
Block 4 line 16 part C the number of eligible entities should be 2
Block 4 line 17 entity name *Itawamba County Pratt Memorial Library* and entity number 43022 should be added.

Thanks in advance for your help with this matter.

Sincerely,

Lin Joiner
Lee County Library
219 N. Madison St.
Tupelo, MS 39204
662-841-9013
lj@li.lib.ms.us

Lee Itawamba Library's appeal to SLD

Letter of Appeal
Schools and Libraries Division
appeals@universalservice.org

This letter of appeal is regarding the Funding Commitment Decision Letter dated January 20, 2004 for Form 471 application number 38611 for the 2003 Funding Year (07/01/2003 - 06/30/2004) for Lee-Itawamba Library Systems Billed Entity Number **209867**. Funding Request Numbers **1005220, 1005275 and 1005540** were not funded with the explanation "The 470 cited does not include the billed entity or the entities receiving service submitted on the 471".

The basis for our appeal is Number 2 from the Appeals Guidelines page (<http://www.sl.universalservice.org/reference/AppealsSLDGuidelines.asp>) The first sentence states "When the appeal makes clear that the applicant made a mistake in information provided in or with the application leading to funding denial and that the SLD could have identified the mistake from information provided with the application".

On FCC Form 470 instructions-April 2002 page 15 the instructions for Item 17 states "List here the entity or entities that will be paying bills directly to the service provider for the services requested in this application".

Since we have one bookkeeper employed by the Lee County Library who pays all bills for both branches (Lee County Library and Itawamba County Library) this lead me to believe that on Form 470 application number **293850000440095** ("The 470 cited") Block 4, line 17, I should list one entity name and number, Lee County Library Entity number 128570 and that is what I did.

Apparently I should have listed the Itawamba County Library Billed Entity Number **43022** also. The SLD could have identified this mistake because Block 2, Line 7B of the same 470 (application number **293850000440095**) 4 lines at **2 branches** are listed beside each service sought and on Block 4, line 16C the area codes for both counties are listed, so obviously we were seeking services for more than just the Lee County Library branch.

I regret the errors I made, but I thought I was obeying the Form 470 instructions exactly although I now understand that SLD wants the listing of every branch receiving telecommunications services regardless of who pays the bill.

Please fund these 3 funding requests for the Itawamba Library, as the denial will have a devastating effect on its budget and ability to provide services to library patrons.

Contact person:

Lin Joiner

Lee County Library

219 N. Madison St.

Tupelo, MS 39204

phone 662-841-9027

Fax 662-840-7615

lj@li.lib.ms.us

Authorized person:

Judy McNeece, library director

Lee-Itawamba System

phone 662-841-9027

fax 662-840-7615

jmcneece@li.lib.ms.us