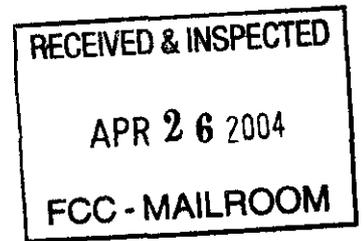




Educational Consortium for
Telecommunications Savings

DOCKET FILE COPY ORIGINAL



REQUEST FOR FCC REVIEW

April 22, 2004

Federal Communications Commission
Office of the Secretary
445 – 12th Street, NW
Washington, DC 20554

CC Docket No. 02-6

Request for FCC Review of SLD “Administrator’s Decision on Appeal” dated April 6, 2004.

Funding Year: 2003-2004
Applicant Name: Glynn County School District (Georgia)
Form 471 Number 355312
Billed Entity Nr: 127476
Funding Request Nr: 957705
Contact Information: Robert Beck
133 North State Street
Newtown, PA 18940
Voice: 267-352-0137
Fax: 215-504-5047
E-mail: robertbeck@e-rate-ects.org

Dear Reader:

This letter is being provided to the FCC on a timely basis to request that the FCC review and reverse the SLD’s original decision to deny funding for FRN # 957705 because of the designation of an “ineligible telecom provider” and their subsequent decision not to reverse on appeal.

We have been asked by the District to handle their E-rate applications and to represent them in this appeal to the FCC to reverse the SLD decision regarding this application.

No. of Copies rec'd 0
List ABCDE

Basis for Appeal

The original e-rate funding request was denied because the FRN was a request for Telecommunication service from a provider that does not provide telecommunications on a common carriage basis.

In the appeal, we demonstrated that, for this Georgia district, the *actual* service provider (Southern Communications, dba **Southern Linc**) *is an eligible telecommunications carrier*. It was misidentified on the Form 471 application due to misreading the SLD Reference Section on SPIN numbers where it lists **Southern Link**, a Georgia company. This did not come to light during the RAL process when the corrective SPIN change could have easily been made.

Even though the service is actually being provided by an eligible telecommunications provider, the SLD appeals reviewer denied the funding appeal, repeating the basis that we had used a SPIN for a non-telecommunications service provider on the initial application, and adding that, “The applicant is responsible for submitting accurate and timely information regarding their requests for service.”

We believe there are several factors that should require reversal of the SLD’s decision not to fund this FRN:

1. The SLD website and available documentation are silent on changing Form 471, Block 5 information during the review process
2. At their discretion, SLD reviewers request updated information and change
 - Categories of service
 - Form 470 numbers
 - Discount percentages
 - Account numbers
 - FRN reallocation by unbundling and splitting providers
 - Corrective SPIN change information.
3. Although the SLD’s preference is that, “The applicant is responsible for submitting accurate and timely information regarding their requests for service,” the SLD reviewers routinely use a common sense approach to make those changes that would benefit the school districts.
4. If the incorrect SPIN had been for *eligible* Telecommunications provider, a simple corrective SPIN change would have been allowed once the funding was approved.
5. Thus, we believe the denial rests on an arbitrary, unwritten policy to not permit a change when service categories do not match, while allowing them otherwise

We believe that the SLD erred in not contacting us during the review process and giving us the opportunity to correct the problem as has been done in other cases. Specifically, we are asserting that their review policy should be applied with common sense to achieve the underlying objectives of the E-rate Program. While we understand the SLD’s desire to conduct expedited application reviews, we believe that we should have, in good faith, been given a chance to provide the accurate SPIN. In denying funding for this FRN, the SLD response places a higher

value on unwritten policy adherence than in fulfilling the intent of the E-rate program, which is to fund eligible telecommunications service.

Public interest is best served in an even-handed communication and fairness among applicants in the administration of this important funding source for schools. We do not feel that the SLD operated in bad faith, but we do respectfully submit that the outcome needs to be changed in the public interest and in accordance with the objectives of the E-rate Program itself.

The District needs the funding for it's paging service, especially during this year of tight budgets for most schools. The loss of funds would adversely impact the students within the District.

Please contact me should you need any further information.

Sincerely,

A handwritten signature in black ink that reads "Robert Beck" followed by a horizontal line.

Robert Beck for Glynn County Public Schools
Certified Mail # 7003 2260 0004 4904 7529
Return receipt requested

Incl: FCDL dated January 20, 2004 – pages 1,2,5
Administrator's Decision on Appeal dated April 6, 2004
Copy of Service Provider invoice with letterhead



FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003. 07/01/2003 - 06/30/2004)

January 20, 2004

GLYNN COUNTY SCHOOL DISTRICT
ROBERT BECK
133 N. State Street
Newtown, PA 18940

Re: Form 471 Application Number: 355312
Funding Year 2003: 07/01/2003 - 06/30/2004
Billed Entity Number: 127476
Applicant's Form Identifier: 471GLYNNGA6RDB

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$129,454.58 is "Approved".
- The amount, \$15,750.00 is "Denied"

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

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 Funding Request Number(s) (ERNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, 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. 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 Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. 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 or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

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 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, sent 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.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Form 471 Application Number: 355312
Funding Request Number: 957700 Funding Status: Funded
Services Ordered: Internet Access
SPIN: 143004824 Service Provider Name: BellSouth Telecommunications, In
Contract Number: MTM
Billing Account Number: 912 U26-0720 001 3163
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$68,847.36
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$68,847.36
Discount Percentage Approved by the SLD: 70%
Funding Commitment Decision: \$48,193.15 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated monthly charge was changed to reflect the documentation provided by the applicant.

Funding Request Number: 957705 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143020022 Service Provider Name: SouthernLink Networks, Inc.
Contract Number: MTM
Billing Account Number: 10063927
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$22,500.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$22,500.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Invalid Telecom Provider
Funding Commitment Decision Explanation: This ERN is a request for Telecommunications Service from a provider that does not provide telecommunications on a common carriage basis.

Funding Request Number: 957717 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143026181 Service Provider Name: T-Mobile USA, Inc.(fka VoiceStre
Contract Number: MTM
Billing Account Number: 153245586
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$15,600.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$15,600.00
Discount Percentage Approved by the SLD: 70%
Funding Commitment Decision: \$10,920.00 - ERN approved as submitted

Funding Request Number: 957721 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001192 Service Provider Name: AT&T Corp.
Contract Number: MTM
Billing Account Number: 020 476 7479 001
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 06/30/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$24,010.20
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$24,010.20
Discount Percentage Approved by the SLD: 70%
Funding Commitment Decision: \$16,807.14 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated monthly charge was changed to reflect the documentation provided by the applicant.



Administrator's Decision on Appeal - Funding Year 2003-2004

April 6, 2004

Robert Beck
Education Consortium
133 North State Street
Newtown, PA 18940

Re Billed Entry Number 127476
 471 Application Number 355312
 Funding Request Number(s) 957705
 Your Correspondence Dated February 9, 2004

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 Year 2003 Funding Commitment Decision 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 957705
Decision on Appeal **Denied in full**
Explanation

- On appeal, you seek a reversal of the SLD's decision to deny the funding request where the selected service provider is an ineligible telecommunications service provider. In support of your request, you assert that the incorrect USAC SPIN was inadvertently selected. You state that your service provider, Southern Communications, labels their invoices "Southern LINC" and for that reason you selected the SPIN for the company called "Southern Link Networks, Inc." in error. Consequently, you request that SLD reconsider the denial.
- The original Item 21 documentation you submitted indicates that the service provider is Southern Link and you submitted the SPIN for Southern Link Networks, Inc. The applicant is responsible for submitting accurate and timely

information regarding their requests for service. Therefore, we find that the SLD properly denied the FRN and a new SPIN will not be accepted on appeal.

- Your Form 471 indicates that you selected an ineligible telecommunications provider SouthernLink Networks, Inc. FCC regulations provide that only telecommunications carriers are eligible for universal service support. *See* 47 C.F.R. § 54.501(a). FCC regulations define telecommunications carriers as any provider of telecommunications services, and telecommunications services as “the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” 47 C.F.R. § 54.5(g), (h). Because this mirrors the common law definition of a “common carrier,” the FCC has determined that to be eligible to receive universal service support, the provider must provide telecommunications services on a common carrier basis. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 134 (rel. May 8, 1997).

SLD’s review of your application determined that the telecommunications provider you selected is not eligible to receive Universal Service support because it does not provide telecommunications services on a common carrier basis. You did not demonstrate in your appeal that the telecommunications provider you selected is an eligible provider. Consequently, your appeal is denied.

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 the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Southern LINC



Invoice # 2326430
 Account Name Glynn County School System
 Account # 0010063927
 Statement Date 10-01-2003
 Payment Due 10-26-2003



For Inquiries Call:
1-800-406-0151
 www.southernlinc.com

SUMMARY

Sub Account

Department	Sub Account #	Phone Number	Instant LINC-ID	Monthly Charges \$	Additional Charges \$	Long Distance Instant LINC \$	Phone Minutes Used	Phone Airtime Charges \$	Phone Long Distance & Dir Assist \$	Taxes & Other Fees \$	Total \$
	1203977	912/717-1070	1 1176 99	32 00	0 00	0.00	8 04	2 09	0 60	0 92	35 61
	1203978	912/717-1075	1 1176 104	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203979	912/717-1076	1 1176 105	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203980	912/717-1074	1 1176 103	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203981	912/717-1072	1 1176 101	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203982	912/717-1071	1 1176 100	32 00	0 00	3 00	228 70	3 03	0 00	1 00	39 03
	1203983	912/717-1073	1 1176 102	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203984	912/717-1042	1 1176 9	32 00	0 00	0.00	42 40	0 00	0 00	0 84	32 84
	1203985	912/717-1043	1 1176 12	32 00	0 00	0.00	51 52	0 00	0 00	0 84	32 84
	1203986	912/717-1044	1 1176 15	32 00	0 00	0.00	87 16	5 00	0 20	0 99	38 19
	1203987	912/717-1045	1 1176 17	32 00	0 00	0.00	41 41	1 51	0 00	0 88	34 39
	1203988	912/717-1046	1 1176 21	32 00	0 00	0.00	1 00	0 00	0 00	0 84	32 84
	1203989	912/717-1047	1 1176 76	32 00	0 00	0.00	38 93	0 00	0 00	0 84	32 84
	1203990	912/717-1048	1 1176 77	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203991	912/717-1049	1 1176 78	32 00	0 00	0.00	133 40	0 00	0 60	0 86	33 46
	1203992	912/717-1050	1 1176 79	32 00	0 00	3 00	370 92	0 00	0 00	0 92	35 92
	1203993	912/717-1051	1 1176 80	32 00	0 00	0.00	17 37	0 00	0 00	0 84	32 84
	1203994	912/717-1052	1 1176 81	32 00	0 00	3 00	113 72	9 55	0 00	1 18	45 73
	1203995	912/717-1053	1 1176 82	32 00	0 00	0.00	295 63	0 00	0 80	0 86	33 66
	1203996	912/717-1054	1 1176 83	32 00	0 00	0.00	11 30	0 00	0 00	0 84	32 84
	1203997	912/717-1055	1 1176 84	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203998	912/717-1056	1 1176 85	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1203999	912/717-1057	1 1176 86	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1204000	912/717-1058	1 1176 87	32 00	0 00	0.00	52 68	0 00	0 00	0 84	32 84
	1204001	912/717-1059	1 1176 88	32 00	0 00	0.00	0 00	0 00	0 00	0 84	32 84
	1204002	912/717-1060	1 1176 89	32 00	0 00	0.00	241 90	0 00	19 88	1 38	53 26
	1204003	912/717-1061	1 1176 90	32 00	0 00	0.00	1 00	0 00	0 00	0 84	32 84
	1204004	912/717-1062	1 1176 91	32 00	0 00	0.00	70 87	0 00	0 00	0 84	32 84
	1204005	912/717-1063	1 1176 92	32 00	0 00	0.00	6 20	0 00	0 00	0 84	32 84
	1204006	912/717-1064	1 1176 93	32 00	0 00	0.00	29 72	0 00	0 00	0 84	32 84
	1204007	912/717-1065	1 1176 94	32 00	0 00	0.00	54 47	0 00	0 00	0 84	32 84
	1204008	912/717-1066	1 1176 95	32 00	0 00	0.00	148 12	1 80	1 80	0 94	36 54
	1204009	912/717-1067	1 1176 96	32 00	0 00	0.00	1988 18	102 54	171 20	8 26	314 00
	1204010	912/717-1068	1 1176 97	32 00	0 00	0.00	32 66	0 00	0 00	0 84	32 84
	1204011	912/717-1069	1 1176 98	32 00	0 00	0.00	178 72	0 00	0 00	0 84	32 84
	1221942	912/717-1219	1 1176 11	32 00	0 00	0.00	0 00	0 00	0 00	1 84	33 84
	1221943	912/717-1220	1 1176 14	32 00	0 00	0.00	18 87	0 00	0 00	1 84	33 84
	1221944	912/717-1221	1 1176 16	32 00	0 00	0.00	72 56	0 00	0 00	1 84	33 84
	1368240		1 1176 188	65 00	0 00	0.00	0 00	0 00	0 00	1 70	66 70
	1369929		1 1176 325	37 00	0 00	0.00	0 00	0 00	0 00	0 97	37 97
	1369930	912/717-1015	1 1176 326	37 00	0 00	0.00	150 11	0 00	0 00	0 97	37 97
	1369931	912/717-3075	1 1176 327	37 00	0 00	0.00	9 93	0 00	0 00	0 97	37 97
	1369933		1 1176 329	37 00	0 00	0.00	0 00	0 00	0 00	0 97	37 97
	1369934		1 1176 330	37 00	0 00	0.00	0 00	0 00	0 00	0 97	37 97
	1369935	912/717-3128	1 1176 331	37 00	0 00	0.00	19 40	0 00	0 00	0 97	37 97
	1369936		1 1176 332	37 00	0 00	0.00	0 00	0 00	0 00	0 97	37 97
	1369937	912/717-3347	1 1176 348	37 00	0 00	0.00	48 55	0 00	0 00	0 97	37 97
	1369938	912/717-3348	1 1176 379	37 00	0 00	0.00	118 40	0 00	0 00	0 97	37 97
	1369939		1 1176 380	37 00	0 00	0.00	0 00	0 00	0 00	0 97	37 97
	Sub Total			\$1651.00	\$0.00	\$9.00	4683.82	\$125.52	\$195.08	\$55.27	\$2035.87