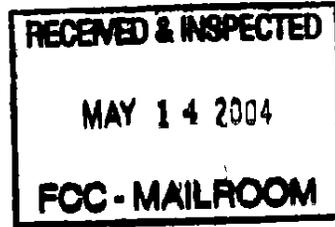


DOCKET FILE COPY ORIGINAL

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 ER789764200US

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

May 12, 2004

96-45

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.

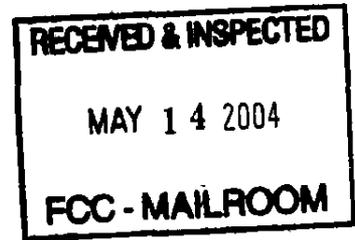
A handwritten signature in black ink, appearing to read "Nath Hawthorne".

Nathaniel Hawthorne  
Attorney for Upshur County School District

No. of Copies rec'd  
List ABCDE

014

Express Mail ER 789764200 US



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	)	
	)	
Upshur 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  
Upshur County School District

May 12, 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:	353074
Funding Year 2003:	07/01/2003-06/30/2004
Billed Entity Number:	126740
Date of Funding Denial Notice:	April 13, 2004
Date of Appeal:	May 12, 2004

(2) **SLD Contact Information**

Cathy Crytzer  
27600 Chagrin Blvd., Ste 260  
Cleveland, OH 44122  
Tel. (216) 682.0169

(3) **Funding Request Numbers Appealed**

FRNs -968012, 968027, 968031

(4) **SLD's Reason for Funding the Denials**

For both FRNs, the SLD stated that funding is denied because:

“No contract or legally binding agreement was in place when the Form 471 was  
filed.”

(5) As stated in Exhibit A, the FRNs are for month-to month services.

Accordingly, no contract is required.

**Conclusion:**

**Upshur 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 FRNs -968012, 968027, 968031**
- (b) Set aside funds to totally fund Upshur'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  
Upshur County School District

Cc: Upshur County School District

**EXHIBIT A**

**FAX COVER**

**To: Tom Celentano**

**FAX: 1-973-599-6506**

**From: Cathy Crytzer**

**Date: 1-6-2004**

**Pages 1 -Including Cover**

**RE: Upshur County SD, CASE SR-2003-BEN 126740**

SLD REQUEST – Please provide signed and dated copies of all contracts relating to FRN(s) 968012, 968027, 968031 and 950498.

**RESPONSE - FRN(s) 968012, 968027, 968031 and 950498 are month-to-month services, not contractual as stated in the selective review.**

**Email: ccrytzer@ameritech.net**

**Tel: 216.682.0169 Fax: 216.514.3337**

**The information contained in this facsimile message may be confidential and /or legally privileged information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that copying, dissemination, or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile**

<b>Upshur County School District</b>							
<b>SLD E-Rate Selective Review Information Request</b>							
<b>Application Number 337497 &amp; 353074</b>							
<b>PART 1</b>							
<b>Question 1 - RFP</b>			<b>Question 3 - Vendor Selection</b>				
<b>Question 2 - Bid Responses</b>			<b>Question 4 - Contracts and Other Agreements</b>				
<b>Month to Month</b>							
		<b>Tariff</b>					<b>SLD Ref</b>
<b>FRN</b>	<b>VENDOR</b>	<b>Contract</b>	<b>470 Appl #</b>	<b>RFP</b>	<b>Bid Response</b>	<b>Vendor Selection</b>	<b>Case #</b>
950189	Verizon-WV	Tariff	902560000416837	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	The local Service provider, and bought off State Master Contract for tariff services	SR-2002-BEN#126796 and SR-2002-BEN#27099
950205	AT&T	Tariff	902560000416837	None	None	Available long distance provider	
950213	Verizon-WV	Tariff	902560000416837	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	The local Service provider, and bought off State Master Contract for tariff services	SR-2002-BEN#126765 and SR-2002-BEN#126796
950218	ACC Of WV	Month to Month	902560000416837	None	None	This FRN covers month to month services, there were no bids received. The school district used the available vendor in their area able to provide service	

950484	Verizon Netwrk Int.	Contract	902560000416837	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provider under the State Master Contract	SR-2002-BEN#126796 and SR-2002-BEN#27099
950498	North Central Regional Education Service Agency	Month to Month	902560000416837	None	None	RESA 7 is the West VA Dept of Education agency that provides overall technical support to the District	
968012	North Central Regional Education Service Agency	Month to Month	902560000416837	None	None	RESA 7 is the West VA Dept of Education agency that provides overall technical support to the District	
968027	Expanets of Indiana	Month to Month	902560000416837	None	None	This FRN covers month to month services, there were no bids received. The school district used the available vendor in their area able to provide service	

968031	Avaya, Inc	Month to Month	902560000416837	None	None	This FRN covers month to month services, there were no bids received. The school district used the available vendor in their area able to provide service	
968067	Pomeroy Computer	Contract	517400000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provider under the State Master Contract	SR-2002-BEN#126765. Documentation sent to Gaurangi Shah, SLD, January 22, 2003
968078	Pomeroy Computer	Contract	517400000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provider under the State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003

968109	Pomeroy Computer	Contract	517400000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provider under the State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968118	Pomeroy Computer	Contract	517400000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968158	Pomeroy Computer	Contract	517400000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003

968164	Pomeroy Computer	Contract	51740000409564	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968168	IBM Corporation	Contract	951780000268795	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968185	IBM Corporation	Contract	951780000268795	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003

968356	IBM Corporation	Contract	951780000268795	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968393	IBM Corporation	Contract	951780000268795	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
968407	IBM Corporation	Contract	951780000268795	State of WV	The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts	Provided under State Master Contract	SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003
<b>Question 5 - Consulting Agreements</b>							
See attachment Alpha-001							
<b>Question 6 - Correspondence</b>							
None							