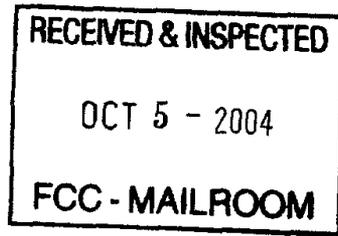


September 28, 2004

ThomasCommunications
& Technologies LLC



FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

*The Thomas Group
217 Montgomery Street, Suite 610
Syracuse, New York 13202
Phone (315) 426 - 8445
Fax (315) 426 - 8348
jan@TheThomasGroup.com*

Re: Outstanding Appeal Letters
CC Docket No. 02-6

DUCKET FILE COPY ORIGINAL

Dear Sir or Madam:

Over the past few years, Thomas Communications & Technologies, LLC (TC&T) has submitted several appeals to the FCC. Most of these appeals are close to or over a year old. During this time several different TC&T employees have submitted these appeals, and most of these employees are no longer for this company. Please send any future correspondence related to these appeals to my attention. I would also like to verify that I have not missed any past correspondence related to these applications. Please confirm that the following appeals are still outstanding and provide an update on each of them.

**Broome-Tioga BOCES Billed Entity #124758 Application #265168 FRN 691290
FCC Appeal Letter Dated December 5, 2002**

During the application process for E-rate Funding Year 2001, Thomas Communications & Technologies, LLC (TC&T) submitted application #265168 on behalf of Broome-Tioga BOCES. FRN 691290 was not funded because Ms. Dolly Mayne of the Binghamton Division of Time Warner admittedly provided TC&T with the wrong SPIN during the application process.

TC&T filed an appeal letter with the Schools and Libraries Division (SLD) dated September 4, 2001. No formal notification was sent to TC&T; it is only through a phone call with Helen Gales on October 7, 2002 that the status of this appeal was determined. Helen stated that the appeal had been denied because the appeal letter looked like a SPIN change request. (SLD Case #136323) Due to the nature of the original denial, the SLD appeal letter does request that the SPIN be changed. However this was clearly done in the context of a request for funding for a denied FRN. The letter stated, "The FRN for these services was not funded due to the vendor providing TC&T with the wrong SPIN number...Therefore, TC&T is requesting that the SPIN for FRN 691290 be changed to 143000029 and the funding request be approved."

TC&T and Broome-Tioga BOCES request that \$96,203.52 in funding not be denied based on misinformation provided by the vendor and misinterpretation by the SLD. Please approve FRN 691290 under the correct SPIN.

**Waterford Township School District Billed Entity #123302 Application #328819 All FRNs
FCC Appeal Letter Dated December 6, 2002**

the
Thomas
ATETRA TECH COMPANY group

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www.tc-t.com

During the application process for E-rate Funding Year 2002, Thomas Communications & Technologies, LLC (TC&T) submitted application #328819 on behalf of Waterford Township School District. In a Fund Year 5 Form 471-Rejection Letter dated February 26, 2002, the SLD stated, "The FCC Form 471 submitted did not include all pages, Blocks 1-6." The Form 471 attached to this letter did not include a copy of the Block 4. TC&T submitted a letter of appeal to the SLD April 9, 2002, but that appeal was denied.

The photocopy of application #328819 on file at TC&T contains a completed Block 4, therefore TC&T maintains that the original form submitted to the SLD must also contain a completed Block 4. In fact the Administrator's Decision on Appeal letter dated October 17, 2002 stated, "The original submission of this funding request was missing data in Block 4." Based on the fact that the SLD cannot prove that the Block 4 was missing from the original submission and on the SLD's own statement implying that it has a Block 4 on file, TC&T and Waterford Township School District request reconsideration of this application in its entirety.

**Clark Township School District Billed Entity #122731 Application #329953 All FRNs
FCC Appeal Date September 3, 2003**

During the application process for E-rate Funding Year 2002, Thomas Communications & Technologies, LLC (TC&T) applied for funding on behalf of Clark Township School District. This entire application was denied because it was "signed and/or submitted prior to the expiration date of the 28-day waiting period from the day of the posting of the Form 470 to the SLD website." Subsequently, an appeal was filed on June 20, 2002 with the SLD that provided documentation regarding the date the application was sent. This appeal was denied in full.

The signature date of January 11, 2001 on the Form 471 was a clerical error. The 471 application was not submitted to the SLD until January 17, 2001, three days after the allowable contract date, thereby fulfilling the requirement that the "Form 471 must be preceded at least 28 days by the filing and posting of a Form 470". (FCC Form 471 Instructions) Despite the fact that Clark Township School District did adhere to the 28-day bidding period, their application has been denied due to a simple clerical error.

We appreciate your consideration of this matter and we request that this application be returned to the SLD for processing.

**Orange Ulster BOCES Billed Entity #201792 Application #262616 FRN 686226
FCC Appeal Letter Dated October 28, 2003**

During the application process for E-rate Funding Year 2001, Thomas Communications & Technologies, LLC (TC&T) submitted application #262616 on behalf of Orange-Ulster BOCES. Due to an error on the part of the Schools and Libraries Division (SLD) this FRN was denied on the Funding Commitment Decision Letter (FCDL) dated July 23, 2001. An appeal letter was submitted August 20, 2001, and the appeal was granted in a letter dated October 19, 2001. However, neither an FCDL nor any other form of notification was ever received by (TC&T), thereby prompting the submission of Form 486, even though the SLD informs us the FCDL in

question was sent March 4, 2002. TC&T submitted Form 486 for this FRN on June 4, 2003, but the SLD established a start date of February 4, 2003.

As there is no proof of delivery or postmark, TC&T and Orange-Ulster BOCES believe that \$158,796.72 of approved E-rate Funding for Orange-Ulster BOCES is being withheld based on an FCDL that was sent, but not received by TC&T and a late Form 486. TC&T submitted a timely Form 486 for every other FRN on application #262616. It was the FRN denied by the SLD that became an exception to the normal process that led to administrative mishaps. These mishaps are not sufficiently substantive, given the goal and purpose of the E-rate program, to justify the withholding of \$158,796.72 of approved E-rate funding.

We appreciate your consideration of this matter and ask that you approve a Service Start Date of July 1, 2001 on Form 486 for FRN 686226 and allow for a full 12 months of E-rate reimbursements.

**Emerson School District Billed Entity #122909 Applications #280479 FRNs 713111 & 713733
FCC Appeal Date November 25, 2003**

In Funding Year 2001, Thomas Communications & Technologies, LLC (TC&T) finished the reimbursement process for Emerson Board of Education due to the quick departure of a school employee who was designated as their E-rate processor. In the time between the departure and when TC&T took over, a timely Form 486 was not filed. We would appreciate your consideration of the hardship the District was placed under due to the loss of their E-rate employee, and we request that the Service Start Date be changed to July 1, 2001 for the two FRNs in question.

**Broome-Tioga BOCES Billed Entity #124758 Applications #265671 All FRNs
FCC Appeal Date February 24, 2004**

On behalf of Broome-Tioga BOCES, Thomas Communications & Technologies (TC&T) would like to request a waiver for submission of Form 486. A correspondence from the SLD faxed on December 6, 2001 omitted critical information and misled our staff with the use of the word "duplicate".

On October 15, 2001, TC&T submitted two 486 forms with the unique form identifiers: DCMO Tariffed Data (B) and ONC Tariffed Data (C). The SLD's fax only referenced form identifier DCMO Tariffed Data (B), and stated that it was a duplicate. Following the SLD's guidance at the time, TC&T then withdrew what was thought to be a duplicate Form 486. In actuality what was withdrawn, unbeknownst to us, was the ONC Tariffed Data (C) Form 486. We concede that ONC Tariffed Data (C) was filled out incorrectly; it contained the FRNs from 471 Application 265938 instead of FRNs from 471 Application 265271. However the SLD's misleading correspondence of December 6, 2001 did not provide the opportunity to correct the actual problem and led to unnecessary loss of funding for FRNs 689210, 389211 and 689212 for Funding Year 2001. The SLD should have referenced 2 Form Identifiers, DCMO Tariffed Data

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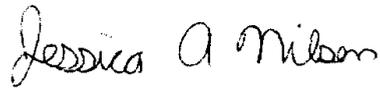
Thomas**Communications**
& Technologies LLC

(B) and ONC Tariffed Data (C), and made note of the identical FRNs. This would have given both the SLD and TC&T opportunity to correct the appropriate form and allow approved funding to benefit Broome-Tioga BOCES.

TC&T, therefore, requests permission to file a FCC Form 486 for FRNs 689210, 689211 and 689212 with a service start date of July 1, 2001.

Thank you for your attention to these appeals.

Sincerely,
THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC



Jessica A. Nilsen
E-rate Production Manager

cc: Claude Adair