

September 28, 2004

Thomas Communications  
& Technologies LLC

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

FCC  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**DOCKET FILE COPY ORIGINAL**

Re: Updated Appeal Letter  
CC Docket No. 02-6  
Paramus School District Billed Entity #122941 Applications #386049 All FRNs

**This letter is being submitted under guidance from the SLD.**  
An appeal letter for this application was already filed with the FCC on August 20, 2003. However, due to recent approvals on similar cases that may set a precedent for our appeal, the SLD has recommended that we submit this letter.

Dear Sir or Madam:

During the application process for E-rate Funding Year 2003, Thomas Communications & Technologies, LLC (TC&T) submitted application #386049 on behalf of Paramus School District. In a Fund Year 2003 Form 471 Rejection Letter dated February 18, 2003 the SLD rejected the entire application stating, "The FCC Form 471 submitted does not include at least one complete Block 4 Worksheet." The SLD also denied a letter of appeal on June 25, 2003. Subsequently a letter of appeal was filed with the FCC. This letter was postmarked within sixty days following the SLD denial (August 25, 2003), however the FCC returned the letter stating that the receipt date of September 3, 2003 was outside the sixty-day filing period. TC&T responded by filing a Petition for Reconsideration on October 15, 2003.

TC&T would like to take this opportunity to restate that the original FCC Letter of Appeal was postmarked within the timeframe required by the FCC. In addition, we would like to reassert that a complete Block 4 was submitted with the FCC Form 471. The school district consists of eight schools. One of the schools, Parkway Elementary School does not have any students eligible for free or reduced lunch. As a result there are no figures for columns 5 (# of students eligible for NSLP) or 6 (% of students eligible for NSLP) of the Block 4 for this school. The minimum discount percentage from the Discount Matrix was filled in for Column 7 (Discount % from Discount Matrix) and both Column 8 (Weighted Product for Calculating Shared Discount) and Item 10c (Weighted Average Discount % for Shared Services) were calculated.

TC&T would also like to reference a decision adopted by the FCC on February 22, 2001 for Naperville Community Unit School District 203 Naperville, Illinois. Regardless of whether or not the SLD considered the Block 4 complete, they "easily could have discerned" that the discount for Parkway Elementary School was correct based on "other information in the application" (Paragraph 13). By filling in the Block 4 figures listed above, TC&T "provided the

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necessary information for the SLD to conclude with reasonable certainty” (Paragraph 13) that there are no students eligible for free or reduced lunch and that the Parkway Elementary School should receive the minimum 20% discount automatically given to all schools participating in the E-rate program.

Furthermore, it has come to our attention that similar Block 4s on FY 2004 applications have been reviewed and approved even though Block 4, column 5 cells for many newly eligible administrative buildings, who had “0” students eligible for NSLP, were blank. While the specifics of these decisions are not available for quotation here we have been instructed by SLD staff members to reference these similar FY 2004 applications in this appeal letter as precedent for reversing the Paramus funding denial.

Given the fact that the proper district discount percentage was calculated and displayed, that this information could have been discerned from the application and that similar applications have been approved for funding, TC&T requests reconsideration of this application.

Sincerely,  
**THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC**

*Jessica A Nilsen*

Jessica A. Nilsen  
E-rate Production Manager

cc: Claude Adair