



Ewing Public Schools

416 N. Spruce Street PO Box 98 Ewing, NE 68735

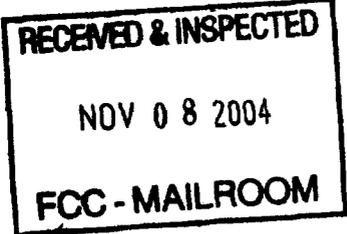
(402) 626-7235 Phone

(402) 626-7236 Fax

John Brickner, Superintendent

Greg Appleby, Principal/Activities Director

DOCKET FILE COPY ORIGINAL



TO: FCC – Office of the Secretary
FROM: Greg Appleby, Principal
Ewing Public School District
DATE: November 1, 2004
SUBJECT: APPEAL OF 2004 E-RATE APPLICATION DENIAL
CC Docket No. 02-6
“Request for Review”

Dear Sirs:

I wish to appeal to the FCC my denial in full by the USAC Schools and Libraries Division of the Administrator’s Decision on Appeal Funding Year 2004-2005.

I am sending all applicable information.

My form 471 was signed on November 25, 2003, but I had faxed back a sheet in which I just had to check one little box on Block 4, item 16C. This was done on October 20, 2003, and I assumed that by November 25, 2003 when I signed my Form 471, that the 28-day waiting period had expired. This innocent error on checking one little box should not be significant enough to deny our entire funding request. A small school like ours (144 students) is struggling financially enough anyway, and to have this funding request denied adds to the difficult times financially.

Thank you for considering this appeal and please contact me if you have any questions.

Respectfully Submitted,

Greg A. Appleby
Principal/AD
Ewing Public Schools

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Universal Service Administrative Company
Schools & Libraries Division

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**Administrator's Decision on Appeal
Funding Year 2004-2005**

October 14, 2004

Greg A. Appleby
Ewing Public Schools
416 N. Spruce Street
P.O. Box 98
Ewing, NE 68735

Re: Applicant Name: Ewing Public School District
 Billed Entity Number: 138612
 Form 471 Application Number: 389540
 Funding Request Number(s): 1068149, 1068150, 1068151, 1068152
 Your Correspondence Dated: July 19, 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 Funding Year 2004 Funding Commitment Decision Letter 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 you will receive a separate letter for each application.

Funding Request Numbers: 1068149, 1068150, 1068151, 1068152
Decision on Appeal: **Denied in full**
Explanation:

- On appeal you seek reversal of the SLD decision to deny the funding request for violating the 28-day waiting period. To support this appeal you stated that your original Form 470, sent in on September 29, 2003, was never processed and you had to send in another one. The second filing of Form 470 was what caused a violation of the 28-day waiting period.
- Upon review of the appeal letter and its relevant documentation, it was determined by SLD that the funding requests were correctly processed during application review. You stated on appeal that the original Form 470 was not processed and that you had to send in another one, which ended up conflicting with the 28-day waiting period between forms. Further review indicates that the the Form 470 was not processed because of an error in Block 4, Item 16c of the

application. You were notified of this error on October 17, 2003 and the correction was returned on October 20, 2003. The Form 470 was subsequently posted to the SLD website effective November 13, 2003. Your Form 471 was signed on November 25, 2003, which is prior to the Allowable Contract Date (ACD) of December 11, 2003 on the posted Form 470. Consequently, SLD denies the appeal because you did not comply with the competitive bidding requirement that Form 470 be posted on the web site for 28 days prior to signing and/or submitting their Form 471.

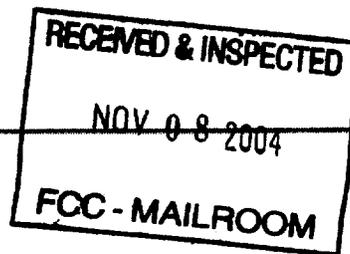
- You signed and/or submitted your Form 471 prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504, 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. 47 C.F.R. § 54.504(b) (4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098; FCC 97-246 ¶ 9 (rel. Jul. 10, 1997).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the 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 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

Greg Appleby



From: Greg Appleby [gappleby@esu8.org]
Sent: Friday, April 02, 2004 1:24 PM
To: 'bsnieci@sl.universalservice.org'
Subject: 471 Clarification

Dear Sirs:

I am writing to try to clear up the problem with the 28-day wait period between the filing of my Form 470 and Form 471. The Form 470 that I originally sent was signed and dated September 29, 2003. My Form 471 was signed and dated November 25, 2003. I had thought that the 28-day wait period had been followed. However, there was some confusion because these were sent via snail mail as opposed to electronically. Schools & Libraries did contact me because they had not received my original 470 so I sent out another one by registered mail and thus the problem with my 471 being filed before the 28-day wait period had been expired. I apologize for this mistake and ask for this situation to be resolved. If you have any more questions or if something needs explained better, please contact me at (402) 626-7235 or by e-mail at gappleby@esu8.org

Thanks for your consideration.

Greg A. Appleby
Principal/AD
Ewing High School



Ewing Public Schools

416 N. Spruce Street PO Box 98 Ewing, NE 68735
(402) 626-7235 Phone (402) 626-7236 Fax
John Brickner, Superintendent Greg Appleby, Principal/Activities Director

TO: Universal Service Administrative Company (Schools & Libraries Division)
FROM: Greg Appleby, Principal
Ewing Public School District
DATE: July 19, 2004
SUBJECT: APPEAL OF 2004 E-RATE APPLICATION DENIAL

In this letter I wish to appeal the "DENIAL" of my Funding Year 2004 E-Rate Application. There has been some confusion on why the 28-day waiting period between the filing of my Form 470 and Form 471 was not done properly. I am including an e-mail that I sent to Bob Sniecinski on April 2, 2004. In this e-mail I explained why there was confusion as to why the 28-day waiting period was not followed. Bob informed me that this would rectify the situation because the problem was a slow processing system on your end. My Form 470 was originally sent in on September 29, 2003, and my Form 471 was not sent in until November 25, 2003, but my original Form 470 was not processed and I therefore had to send in another one which ended up conflicting with the 28-day waiting period between forms.

I am including the information required on the appeal as stated in the Funding Commitment Decision Letter dated June 8, 2004

1. Greg Appleby, Principal
(402) 626-7235 Work
(402) 336-1943 Home
gappleby@esu8.org
Ewing Public School District
416 N. Spruce Street
PO Box 98
Ewing, NE 68735-0098
2. I wish for this letter to be considered an official appeal of the funding commitment decision.
Form 471 Application Number 389540
Funding Year 2004: 07/01/2004 – 06/30/2005
Billed Entity Number: 138612
Applicant's Form Identifier: 2965
Billed Entity Name: EWING PUBLIC SCHOOL DISTRICT
Date of Funding Commitment Decision Letter: June 8, 2004

Thank you for considering this appeal and please contact me if you have any questions.

Respectfully Submitted,

Greg A. Appleby
Principal/AD
Ewing Public Schools