

**MISSOULA PUBLIC  
LIBRARY**

CC Docket No. 02-6

January 4, 2005

RECEIVED

FEB 09 2005

Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20554

Federal Communications Commission  
Office of the Secretary

RE: 471 Application Number 58189. Funding Request Number 89346, Billed Entity  
Number 135108, Case Reference 21-185286

Dear Federal Communications Commission:

This is a WAIVER REQUEST to the FCC to waive the FCC 30-day time period for appealing the decision (dated January 24, 2003) attached to this request (Attachment A). The Missoula Public Library (MPL) only received a copy of this letter on December 30, 2004. It was faxed to us by Kelly Fitzgibbons from the USAC Program Compliance Office.

Since the Library did not receive this letter in January 2003, we had no opportunity to request an appeal to this decision. This is our request for appeal and the reasons are listed below with copies of correspondence:

1. In 1998, MPL applied for e-rate funding according to USAC's specification. We receive our telephone service via the Missoula County Communications Department (MCC). Per USAC's instructions, MCC applied for and received a SPIN number, which qualified them to receive e-rate funding (Attachment B). The amount granted was \$5561.40. That money was paid to MCC and refunded to the Library.
2. In October 1999 I received a letter from USAC stating that MCC was not a bona fide telecommunications provider and we would be required to reimburse USAC for the amount paid (Attachment C).
3. After discussing this with several individuals in the Technical Client Service Bureau at USAC, I was encouraged to file an appeal and I did so on October 27, 1999 (copied to your office - Attachment D).
4. In January 2000 I received a form letter from USAC stating that they had received my appeal and would begin an "in-depth review" in September 1999 (Attachment E)!
5. In the summer of 2000, Mark Nadel from the FCC contacted me and asked if this had been resolved and I replied that I had heard nothing further from USAC.
6. In January 2001 I received a "Commitment Adjustment Letter" from USAC stating that they would be making an "adjustment" to our funding commitments

301 East Main ☐ Missoula, MT ☐ 59802-4799 ☐ FAX: 406/728-5900 ☐ Phone: 406/721-2665

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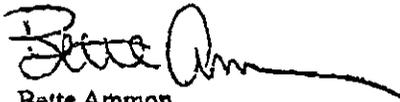
and we should repay the \$5562.40. Again they noted the appeals process (Attachment F).

7. On January 24, 2001 I appealed this "adjustment." (Attachment G)
8. The next communication I received was dated December 23, 2004 (Attachment H). It was a Demand Payment letter - SECOND REQUEST. That triggered the faxing of the January 2003 letter (Attachment A) that I had never received previously and the recourse suggested from USAC that I file this waiver request.

The USAC should take responsibility for its own mistakes. Even though my appeal to USAC was partially approved, I strongly believe that the entire amount should be waived since USAC did issue a SPIN number to MCC and approved them as a telecommunications provider. In addition, the missteps, delays, and long time span involved in this matter have been extraordinary and frustrating, and warrant the approval of this appeal.

Copies of this letter are being sent to Montana's Senators Conrad Burns and Max Baucus as well as our Representative Dennis Rehberg.

Sincerely,



Bette Ammon  
Library Director

Cc: Senator Conrad Burns  
Senator Max Baucus  
Representative Dennis Rehberg

Attachment A



Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 1998-1999

January 24, 2003

Bette Ammon, Director  
Missoula Public Library  
301 East Main Street  
Missoula, MT 59802-4799

Re: Billed Entity Number: 135108  
471 Application Number: 58189  
Funding Request Number(s): 89346  
Your Correspondence Dated: January 24, 2001

After a 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 Commitment Adjustment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-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: 89346  
Decision on Appeal: Partial Approval  
Explanation:

- Your appeal has brought forth persuasive information that the recent commitment adjustment that we made should be reduced. The Qwest portion of the bill, \$2.15/month, is the only component that is eligible for discount. It is only eligible for 9.5 months of funding based on the documentation. Therefore, the total amount of the commitment adjustment has been reduced from \$5,561.40 by the total associated with the Qwest bills, to a new adjusted amount of \$3,423.90. The figure of \$2,137.50 represents universal service support paid in error for which recovery is required.

Since the Administrator's Decision on Appeal restores part of the original funding commitment adjustment we made, SLD will issue a revised Adjusted Funding Commitment Decision Letter to you and to the service provider that provided the services identified for recovery in this letter. SLD will issue the revised Funding Commitment Decision Letter to you as soon as possible. The Funding Commitment Decision Letter will inform you of the precise dollar value of your adjusted funding request. As you

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JAN. 28. 2005 11:26AM

SEN MAX BAUCUS-BLGS

NO. 7080 P. 6

Dec-28-2004 12:36pm From-

T-696 P.003/009 K-744

await the Finding Commitment Decision Letter, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

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

Schools and Libraries Division  
Universal Service Administrative Company

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Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981  
Visit us online at: <http://www.usa.universalservice.org>

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**USAC**  
UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

Attachment B

SCHOOLS AND LIBRARIES DIVISION  
Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981

Missoula County :Communication  
Bette Ammon  
301 East Main  
Missoula, MT 59802-4735

November 16, 1999

Missoula County :Communications Dept.  
Service Provider Identification Number: 143009971

Thank you for participating in the E-rate program for the 1999-2000 program year. This letter is your notification of our decisions regarding applications that listed your company's Service Provider Identification Number (SPIN) as providing service(s) eligible for discounts.

As was the case in program Year 1, there are a number of steps that need to be completed in order to implement E-rate discounts. In an effort to expedite the process of implementing discounts, we are providing detailed information regarding the status of your customers' requests for discounts in the form of a series of Funding Commitment Reports. Attached are reports of our decisions made to date for customers listing your SPIN in their Form 471 applications. Each report contains detailed information extracted from the applicant's Form 471 and well as an explanation of our decision regarding the request.

Also included is a guide defining the elements of a Funding Commitment Report. If you have questions regarding any decisions on the funding requests associated with your company's SPIN, please contact us in writing at: Question, Schools and Libraries Division, Universal Service Administrative Company, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. You may also call our Client Service Bureau at 888-203-8100.

**NEXT STEPS**

Once you've reviewed this letter, we urge you to contact your customers to begin any necessary arrangements regarding start of services, billing of discounts or any other administrative details for implementation of E-rate services. Applicants have also been encouraged to contact you regarding their E-rate commitments. Once they receive their Funding Commitment Decisions Letter(s) and service has started, applicants are required to complete and file a Form 486 notifying the SLD that they are currently receiving or have begun receiving services approved for a discount. We will send you a Form 486 Notification Letter when we receive a Form 486 from applicants who cited your SPIN and will also provide guidance on how to invoice the SLD for payment on discounts for services listed in the respective Form 486. See the enclosed notice for more details on next steps.

**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 universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or service provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. 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.

UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

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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.

We appreciate your participation in the E-rate and the work you are doing to connect our communities through telecommunications.

Sincerely,

Kate L. Moore  
President, Schools and Libraries Division, USAC

Enclosures

#### EXPLANATION OF A FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each approved E-rate funding request featuring your SPIN. We are providing the following definitions.

- \* **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each line completed in Items 15 and 16 of your Form 471 once an application has been processed. This number is used to report to applicants and vendors the status of individual discount requests submitted on a Form 471. Applicants and vendors learned about FRNs when they received their Receipt Acknowledgement Letter and must use these numbers when completing the Form 486 and Invoices. An FRN will never be longer than 10 digits. If a FRN is shorter than 10 digits, applicants are advised to add zeros to the front of the numbers to reach 10 digits when filing post-commitment forms.
- \* **FORM 471 APPLICATION NUMBER:** A unique identifier assigned to a Form 471 application by the SLD (from Item 3b of the Form 471).
- \* **FORM 470 USCN:** The Universal Service Control Number is a unique identifier assigned by the SLD to a Form 470 as listed in Item 15/16, Column 2 of the Form 471.
- \* **NAME OF 471 APPLICANT:** Name of entity that applied to the SLD, from Item 1 of the Form 471.
- \* **NAME OF CONTACT PERSON:** The name of the contact person from Block 1, Item 6 of the Form 471.
- \* **PREFERRED MODE OF CONTACT:** e.g., phone, fax, E-mail or standard mail.
- \* **PERTINENT CONTACT INFORMATION:** e.g., telephone number, fax number, E-mail address, or mailing address.
- \* **FUNDING YEAR:** The funding year for which discounts have been requested.
- \* **FUNDING STATUS:** Each FRN will have one of six definitions: "Funded", "Denied", "Partially Funded", "Funds Exhausted", "Unfunded", or "As Yet Unfunded". An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. That will generally be the level requested by the applicant unless the SLD determines during the application review process that some adjustment is appropriate, for example, a different discount percentage for that FRN than the Form 471 featured. A "Denied" FRN is one for which no funds will be committed, and the reason for that decision will be briefly explained in the "Funding Commitment Decision", and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation". In accordance with FCC program rules, FRNs are "Partially Funded" or "Unfunded", if the total amount of funds in the Universal Service Fund is insufficient to fully fund or fund all approved requests. If the Form 471 was received after all the funds in the Universal Service Fund were allocated and it was processed, the status will indicate "Unfunded - Funds Exhausted". "As Yet Unfunded" is a temporary status that would be assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for a particular service type at a particular discount level. For example, if the application included both telecommunications services and internal connections, the applicant might receive a letter with our funding commitment for its telecommunications requests and a message that its internal connections requests are "As Yet Unfunded". The applicant would then receive a later letter regarding our funding decision on its internal connections requests.
- \* **SERVICES ORDERED:** The type of service ordered from the service provider, as shown

on Form 471.

- \* **PROVIDER CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- \* **SHARED SERVICES INDICATOR:** This indicates whether the FRN was listed in Item 15 ("Shared" Services) or 16 ("Site-Specific" Services) of the Form 471 application.
- \* **SITE IDENTIFIER:** This will appear only for FRNs listed in Item 16 of your Form 471. For public schools, the 12-digit NCES code you listed in Item 14 for this school site will appear here. If there is no NCES Code for an FRN in Item 16, the SLD-assigned entity number will appear here.
- \* **EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date of service for which the SLD will reimburse service providers for the discounts for the service. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- \* **CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471. This is not applicable for tariff services.
- \* **PRE-DISCOUNT COST:** Amount in Column 10 of Item 15/16, Form 471, as determined through the application review process. Please note that, during the Problem Resolution process at SLD, the amount in Col. 10 of Item 15/16 may have been corrected to conform to the information provided about Service Start Date and Monthly Costs.
- \* **DISCOUNT PERCENTAGE APPROVED BY THE SLD:** This is the discount rate that the SLD has approved for this service.
- \* **FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the SLD is now reserving to reimburse service providers for the discounts for this service through June 30, 2000. This figure may be different from the Estimated Total Annual Pre-Discount Cost (Col. 10 of Item 15/16) times the Percentage Discount (Col. 11 of Item 15/16) in the 471 application. It may be lower because of an adjustment determined appropriate by the SLD, such as of the discount percentage, or a denial of discounts and, if so, the accompanying comment will explain this difference. The difference may also reflect a reduction from the request level made necessary by overall funding limitations, in which case the "Funding Status" above will indicate "Partially Funded" or "Unfunded". Whatever amount is listed here, it is important that you and the 471 applicant both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts on only eligible, approved services actually rendered.
- \* **FUNDING COMMITMENT DECISION EXPLANATION:** This entry may appear to amplify the comment in the "Funding Commitment Decision", if the discount request for this service is denied for reasons other than "Unfunded" or if the SLD determined that some adjustment to the request level was appropriate.
- \* **TECHNOLOGY PLAN APPROVAL STATUS:** This indicates whether the technology plans of the entities included in the Form 471 application have received approval, or whether requests for approvals are pending. This is from Item 24 of the Form 471 application.

- 8. If your invoice is completed incorrectly, you should expect to be notified by us to correct the mistake. However, if the error occurs in Block 1 of the Form 474—where you identify yourself—we will reject the invoice in full and return it to you, because we will not be able to begin entering the invoice into our data system.
- 9. Once USAC processes its portion of your Form 474, and before you receive a check, you will get a USAC Remittance Statement. This statement will include information relating to all of your invoices processed during that particular period. PLEASE save the information contained in this Remittance Statement—you will need it to properly allocate the funds that you will receive in the USAC check that follows.
- 10. If you need more information, please visit the service provider area of the SLD Web Site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call our toll-free Client Service Bureau at 888-2038100.



Box 125 - Correspondence Unit  
 100 South Jefferson Road  
 Whippany, NJ 07981

**IMPORTANT NOTICE**

*Attachment C*

08-02-99

Re: Application Number 58189  
 FRN# BQ348  
 MISSOULA PUBLIC LIBRARY  
 301 E. MAIN  
 MISSOULA MT 59802 4738

Dear BETTE AMMON

Through standard audit and review processes, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) recently discovered that a very small percentage of Program Year One applicants, who received funding commitment letters from SLD, had failed to comply with the Communications Act of 1934 and its regulations in their applications. This review included the Funding Request Number(s) (FRNs) cited above.

More specifically, it was discovered that the FRNs cited above contained one or more of the following kinds of statutory errors: (1) requests for ineligible services or, (2) requests that telecommunications services be provided by non-telecommunications carriers. With respect to service eligibility, Section 254 (h)(1)(B) of the Act requires that only services within the definition of "universal service" be provided at discounted rates and that the Commission establish rules to enhance school and library access to advanced telecommunications and information services. In its implementation of these statutory provisions, the Commission defined such services as all commercially available telecommunications services, Internet access and internal connections. Unfortunately, funding was committed to a small percentage of applicants requesting ineligible services, or services that do not meet the criteria for universal service designation.

Similarly, with respect to telecommunications services, SLD has also discovered instances of funding commitments made to applicants requesting discounts for telecommunications services provided by non-telecommunications carriers. Section 254 (h)(1)(B) of the Act, however, requires that telecommunications services provided at discounted rates to schools and libraries must be provided by telecommunications carriers, as defined by Section 153 of the Act.

Providing support for discounts for schools and libraries under either of these circumstances is not permitted because such payment violates the Communications Act. As a result, amounts disbursed pursuant to the FRN(s) cited above will be recovered from the relevant provider(s) by USAC in the near future. Under separate cover, we are notifying the relevant service provider(s) of the situation. Please note that this will affect only the FRNs cited above.

If you have questions, please call 1-888-203-8100, and ask for the Technical Client Service Bureau. These specially trained staff can help explain the information in this letter.

Sincerely,



Kate L. Moore  
Schools and Libraries Division, USAC

**MISSOULA PUBLIC LIBRARY**

October 27, 1999

Attachment D

Universal Service Administrative Company  
Schools and Library Division  
Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981

Application #: 59189  
FRN#: 89348  
Billed Entity: 135108  
Funding year: 1998-1999

Gentlepeople:

Per instructions from several individuals in the Technical Client Service Bureau arm of USAC, I am appealing the enclosed Important Notice regarding Erate funds to Missoula Public Library. The notice details the ineligibility of Missoula County Communications (MCC) department to receive the Erate discount as applied for by Missoula Public Library.

MCC is the Intermediary provider for Missoula Public Library's telephone service. Per instructions and directions from SLD, the MCC applied for and received a spin number in accordance with Erate policy. (See enclosed Approval notice) In February 1999, the MCC received a rebate of \$5551.40 for MPL telephone services. (see enclosed Reimbursement Form)

While I now understand that MCC does not qualify to receive Erate discounts under FCC regulations, I am hoping that the Library will not have to rebate the \$5551.40 already received. Because SLD approved MCC's application, SLD should stand behind the funds already disbursed.

Through your work with schools and libraries, you must be very aware of the budget constraints suffered by many libraries. Missoula Public Library not only has only one third the materials budget of most libraries serving a community our size, we also have half the staff. Needless to say, the Erate savings we applied for (and received) has enormous significance in our budget. Now we are faced with not receiving our Erate discount for the current year and also having to rebate money that was awarded for last year.

Please uphold the commitment made by SLD last year. Note that I am sending copies of this letter plus documentation to my senators and congressman. Thank you for your attention.

Sincerely,

Bette Ammon  
Director

Cc: Senator Conrad Burns, Senator Max Baucus, Representative Rick Hill, and Missoula County Communications



Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981  
Phone: 888-203-8100

January 3, 2000

Attachment E

Bette Ammon  
Missoula Public Library  
301 East Main  
Missoula, MT 59802-4799

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence regarding the 1999-2000 funding decision on your application. Here are the steps that will now follow:

1. We will review your correspondence carefully to identify its specific focus, and to determine whether it is an inquiry (seeking further information about a decision) or an appeal (seeking a change in a decision).
2. In either case – an appeal or an inquiry – we will consult the program integrity assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. In the case of an appeal, once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. We will then follow with a funding commitment decisions letter for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.
4. In the case of an inquiry, we may respond via telephone call, E-mail or written letter.

We plan to begin in-depth review of all appeals and inquiries in September 1999, after funding commitments have been completed for 1999-2000. Once the review process begins, our goal is to respond to you as quickly as possible. We thank you in advance for your patience as we handle your case with the care and attention it deserves.

Schools and Libraries Division  
Universal Service Administrative Company

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Attachment F

Universal Service Administrative Company  
Schools & Libraries Division

Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

COMMITMENT ADJUSTMENT LETTER

January 5, 2001

BETTE AMMON  
MISSOULA PUBLIC LIBRARY  
301 E. MAIN,  
MISSOULA MT 59802 - 4735

Re: COMMITMENT ADJUSTMENT  
Funding Year: 1998-1999  
Form 471 Application Number: 58189

Dear Applicant:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules. We have previously informed you that some or all of the funds committed to you were done so in error.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust your overall funding commitments. The purpose of this letter is to make the adjustments to your funding commitments required by program rules.

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 FRNs from your application for which adjustments are necessary. The SLD is also sending this information to your service provider(s), so preparations can be made to implement this decision. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

Please note that if the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the funds disbursed. The amount is shown as Funds to be Recovered. If funds must be recovered, we will be sending your service provider a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to you. If the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount.

Box 125, Correspondence Unit, 80 South Jefferson Road, Whippany, NJ. 07981  
Visit us online at: <http://www.universalservice.org>

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### A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each funding request from your application for which a commitment adjustment is required. We are providing the following definitions.

- **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each request in Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.
- **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.
- **SERVICE PROVIDER:** The legal name of the service provider.
- **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- **SITE IDENTIFIER:** The Entity Number listed in Form 471 for "site specific" FRNs.
- **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.
- **ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has committed to this FRN. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.
- **FUNDS DISBURSED TO DATE:** This represents the total funds which have been paid up to now to the identified service provider for this FRN.
- **FUNDS TO BE RECOVERED:** This represents the amount of Funds Disbursed to Date that exceed the Adjusted Funding Commitment amount. These funds will have to be recovered. If the Funds Disbursed to Date do not exceed the Adjusted Funding Commitment amount, this entry will be \$0.
- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

**TO APPEAL THESE FUNDING COMMITMENT DECISIONS**

If you wish to appeal the Funding Commitment Decision(s) indicated in this letter, your appeal must be made in writing and **RECEIVED BY THE SLD** at the address below **WITHIN 30 DAYS OF THE DATE AT THE TOP OF THIS LETTER**. 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. Identify which Commitment Adjustment Letter you are appealing. Your letter of appeal must include the applicant name and the Form 471 Application Number from the top of this Commitment Adjustment Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Commitment Adjustment Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, you will enable us to more readily understand and respond appropriately to your appeal. 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 original authorized signature on your letter of appeal.

Please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Appeals submitted by fax, phone call, and e-mail **CANNOT** be processed. 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) so that it is received within 30 days of the date on this letter. You may send your notice of appeal to: FCC, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal.

Further information regarding filing an appeal directly with the FCC can be found in the "How to Apply, Step-by-Step" area of the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org).

**Funding Commitment Report for Application Number: 58189**

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Funding Request Number: 89346                      SPIN: 143009971  
 Service Provider: Missoula County Department of Communications  
 Contract Number: T  
 Services Ordered:     **TELCOMM SERVICES**

Site Identifier:

Billing Account Number:

Adjusted Funding Commitment:                      \$0.00

Funds Disbursed to Date:                              \$5,561.40

Funds to be Recovered:                                \$5,561.40

Funding Commitment Adjustment Explanation:

Commitment Reduced: Missoula County Department of Communications is an ineligible telecommunication service provider.



Attachment G

January 24, 2001

Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany NY 07981

Application # 58189  
Funding year: 1998-1999  
FRN # 89346  
Billed Entity: 135108

CC Docket Nos. 96-45 and 97-21

Per USAC's instructions on the letter dated January 5, 2001, I am filing an appeal. Please note that this is the second appeal I have filed (see attached copies of letter dated October 27, 1999). Note also that I received no response to my first appeal.

Missoula County Communications (MCC) is the intermediary provider for Missoula Public Library's (MPL) telephone service. In 1998, per instructions and directions from SLD, MCC applied for and received a spin number in accordance with e-rate policy. (See enclosed approval notice) In February 1999, the MCC received a rebate of \$5581.40 for the library's telephone services and distributed that amount to the library. (See enclosed reimbursement form)

I understand now that MCC does not qualify to receive e-rate discounts. The library did not receive any discount for MCC telephone services for year 1999-2000 even though the library was eligible for a discount for the portion of the service provided through US West. For year 2000-2001 that portion was approved by SLD.

I remain convinced that because SLD initially approved MCC as a provider AND issued a SPIN number, USAC should stand behind the funds already disbursed.

Both Montana's senators (Senator Conrad Burns and Senator Max Baucus) have spent staff time looking into this matter at my request and I will be copying this correspondence to them. To date I have received no response from USAC although Mark Nadel from the FCC office called last summer to see where we were with the appeal. Note that copies of this correspondence are also being sent to the FCC.

Please uphold the commitment made by USAC in 1999.

Sincerely,

A handwritten signature in cursive script that reads "Bette Ammon".

Bette Ammon, Director  
[bammon@missoula.lib.mt.us](mailto:bammon@missoula.lib.mt.us)

CC: Senator Conrad Burns, Senator Max Baucus, Representative Dennis R. Rehberg,  
Missoula County Communications, Federal Communications Commission



*Attachment #*

**Universal Service Administrative Company**  
Schools & Libraries Division

**Demand Payment Letter**  
**SECOND REQUEST**

Funding Year 1998: 1/01/1998 - 6/30/1999

December 23, 2004

**Bette Ammon**  
Missoula County :Communications Dept.  
301 East Main  
Missoula, MT 59802 4735

- PAST DUE NOTICE -

**THIS NOTICE PROVIDES IMPORTANT INFORMATION ABOUT YOUR  
ACCOUNT AND YOUR RIGHTS AND OBLIGATIONS UNDER LAW**

<b>Re: SPIN:</b>	<b>143009971</b>
<b>Form 471 Application Number:</b>	<b>58189</b>
<b>Funding Year:</b>	<b>1998</b>
<b>FCC Registration Number:</b>	<b>0</b>
<b>Applicant Name:</b>	<b>MISSOULA PUBLIC LIBRARY</b>
<b>Billed Entity Number:</b>	<b>135108</b>
<b>Applicant Contact Person:</b>	<b>BETTE AMMON</b>

You were recently sent a Demand Payment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to this letter. Our records indicate that you have not responded to the Demand Payment Letter. As of November 09, 2001, the debt was past due and delinquent.

**THE FOLLOWING PROVISIONS CONTAIN IMPORTANT INFORMATION AND A  
DESCRIPTION OF LEGAL RIGHTS, OBLIGATIONS, AND OPPORTUNITIES**

1. Debtor is cautioned that failure to make the demanded payment or make other satisfactory arrangements will result in further sanctions, including, but not limited to, the initiation of proceedings to recover the outstanding debt, together with any applicable administrative charges, penalties, and interest pursuant to the provisions of the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996 (Public Law 104-134), as amended (the DCIA), as set forth below.

2. If we do not receive full payment of the outstanding debt within 30 days of the date of this letter (Demand Date), pursuant to the DCIA, you may incur additional charges and costs, and the debt may be transferred to the Federal Communications Commission (Commission or FCC) and/or the United States Department of Treasury (Treasury) for debt collection. The FCC has determined that the funds are owed to the United States pursuant to the provisions of 31 U.S.C. § 3701 and 47 U.S.C. § 254. Because the unpaid amount is a debt owed to the United States, we are required by the DCIA to impose interest and to inform you what may happen if you do not pay the full outstanding debt. Under the DCIA, the United States will charge interest from the date

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of this notice, you will be required to pay the administrative costs of processing and handling a delinquent debt as set by the Treasury (currently 18% of the debt), and you will be charged an additional penalty of 6% a year for any part of the debt that is more than 90 days past due. Interest on the outstanding debt (DCIA Interest) will be assessed at the published investment rate for the Treasury tax and loan accounts (Treasury Current Value of Funds Rate). If, however, you pay the full amount of the outstanding debt within 30 days of the Demand Date, the DCIA Interest will be waived. These requirements are set out at 31 U.S.C. § 3717.

3. When we transfer the debt (to the Commission or later to the Treasury), you may be subject to other administrative proceedings. Your failure to pay the debt may be reported to credit bureaus (see 31 U.S.C. § 3711(e)), the debt will be considered for administrative offset (see 31 U.S.C. § 3716), the debt may be further transferred to collection agencies (see 31 U.S.C. §§ 3711, 3718), and also the debt may be referred to the United States Department of Justice or agency counsel for litigation. In that situation, you may be subject to additional administrative costs that result from the litigation. Moreover, pursuant to 31 U.S.C. § 3720 (B), a person owing an outstanding non-tax debt that is in delinquent status shall not be eligible for Federal financial assistance. You should be aware that the discharge of any portion of the debt may be reported to the Internal Revenue Service as potential taxable income.

#### Opportunity of Inspection, Review, and Repayment Agreement

4. You have an opportunity to inspect and copy the invoices and the records pertinent to the debt. The Notification of Commitment Adjustment Letter gave you the opportunity to appeal the validity of the debt. Finally, you have an opportunity to request a written repayment agreement (including a Promissory Note) to pay the full amount of the debt. In that case, however, you must first provide evidence that demonstrates financial inability to pay the debt in one payment. Your claim of financial inability to pay in one payment is subject to verification (see 31 C.F.R. § 901.8), and if your request is approved for further processing, you will be required to execute a written agreement suitable to the Commission. You should be aware that repayment agreements regularly impose a number of obligations on the debtor, including additional administrative charges, audit obligations, and surety bond requirements. For more information on the obligations associated with repayment agreements, see "USAC Repayment Request Procedure" at [www.universalservice.org/serviceprovider/repaymentplan](http://www.universalservice.org/serviceprovider/repaymentplan). If you desire to exercise any of the above described rights, you must do so in writing which must be delivered to and received at the address below within 30 (thirty) days of the Demand Date. Any required evidence must be submitted at the same time that you submit your request. Failure to provide the written request (and, as appropriate, the required evidence) within the stated time is a waiver of these opportunities.

You may notify us in writing by mail or facsimile transmission at the following address and telephone number:

Schools and Libraries Division  
Box 125 - Program Compliance II  
80 S. Jefferson Road  
Whippany, NJ 07981

Phone #: (973)-560-4443  
Fax #: (973)-599-6582

Please remit payment for the full Funds to be Recovered from Service Provider amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

If sending payment by U. S. Postal Service or major courier service (e.g. Airborne, Federal Express, and UPS) please send check payments to:

Universal Service Administrative Company  
1259 Paysphere Circle  
Chicago, IL 60674

If you are located in the Chicago area and use a local messenger rather than a major courier service, please address and deliver the package to:

Universal Service Administrative Company  
Lockbox 1259  
540 West Madison 4th Floor  
Chicago, IL 60661

Local messenger service should deliver to the Lockbox Receiving Window at the above address.

**PAYMENT MUST BE RETURNED IMMEDIATELY**

Complete program information is posted to the SLD section of the USAC web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). You may also contact the SLD Technical Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company  
Schools and Libraries Division

cc: BETTE AMMON  
MISSOULA PUBLIC LIBRARY

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**Funding Commitment Report for  
Form 471 Application Number: 58189**

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Funding Request Number: 89346  
Contract Number: T  
Services Ordered: TELCOMM SERVICES  
Billing Account Number:  
Original Funding Commitment: \$5,561.40  
Commitment Adjustment Amount: \$3,424.00  
Adjusted Funding Commitment: \$2,137.50  
Funds Disbursed to Date: \$5,561.40  
Funds to be Recovered from Service Provider: <sup>1</sup> \$3,423.90  
Funding Commitment Adjustment Explanation:  
Commitment Reduced: Missoula County Department of Communications is an ineligible telecommunication service provider.

**PLEASE SEND A COPY OF THIS PAGE WITH YOUR  
CHECK TO ENSURE TIMELY PROCESSING**

<sup>1</sup> Please note that if the Funds to be Recovered from the Service Provider is less than what was reported on the Notification of Commitment Adjustment Letter or the 1st Demand Payment Letter it is because you have partially repaid the debt or because the applicant has partially repaid the debt.

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