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April 25, 2005

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Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Washington, DC 20554

REQUEST FOR REVIEW

Re: **APPEAL OF (1) COMMITMENT ADJUSTMENT LETTER
AND (2) SUBSEQUENT DENIAL OF SAID APPEAL BY
THE SCHOOLS AND LIBRARIES DIVISION OF THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY
CC DOCKET NO.: 02-6
FUNDING YEAR: 2002 - 2003
FUNDING REQUEST NO.: 809405
FORM 471 APPLICATION NUMBER: 310917
APPLICANT NAME: Al-Ghazaly Elementary School
APPLICANT CONTACT: Ashraf Eisa
BILLED ENTITY NAME: Al-Ghazaly Elementary School
BILLED ENTITY NUMBER: 208838
BILLED ENTITY AND APPLICANT
CONTACT PHONE NO. (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: (973) 916-1800
SERVICE PROVIDER FAX NO.: (973) 916-1986
SERVICE PROVIDER E-MAIL:
TONYN@ICM CORPORATION.COM**

**Enclosure 1: Copy of Administrator's Decision on Appeal -
Funding Year 2002 - 2003, for Al-Ghazaly Elementary
School, dated March 3, 2005.**

**Enclosure 2: Copy of Supplement to Appeal dated November 23,
2004.**

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Enclosure 2: Copy of Supplement to Appeal dated November 23, 2004.

- A. Copy of Commitment Adjustment Letter from Universal Service Administrative Company dated July 29, 2004.**
- B. Copy of ICM's Appeal of the Commitment Adjustment Letter dated September 3, 2004.**
- C. Copy of FCC Decision entitled "In Re Federal-State Joint Board on Universal Service; et al." Adopted on July 23, 2004.**

Gentlemen:

NOTICE OF APPEAL

Please accept this letter and its enclosures as Independent Computer Maintenance, LLC's ("ICM") appeal of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") Administrator's Decision on Appeal - Funding Year 2002-2003, dated March 3, 2005. Said decision denied in full ICM's appeal of USAC's Commitment Adjustment Letter dated July 29, 2004, which letter rescinded in full the Funding Request Numbers ("FRNs") set forth below. A copy of USAC's Administrator's Decision on Appeal - Funding Year 2002-2003 dated March 3, 2005, is annexed hereto as Enclosure 1. A copy of ICM's Supplement to Appeal dated November 23, 2004 is annexed as Enclosure 2. A copy of ICM's Appeal to the USAC dated September 3, 2004, is annexed hereto as Enclosure 2B.

FACTS

By a Commitment Adjustment Letter dated July 29, 2004, USAC advised ICM that, under the above-referenced Form Application Number, the commitment amount for the following FRN's are "rescinded in full" and requested the recovery of the funds to the extent indicated below:

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<u>Funding Request Number ("FRN")</u>	<u>Requested Recovery</u>
809405	\$ 71,550.00

The USAC's July 29, 2004 Commitment Adjustment decision was justified by USAC because:

"The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seen amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds."
(A copy of the July 29, 2004 Commitment Adjustment Letter is annexed as Enclosure 2A).

On September 3, 2004, ICM submitted its Letter of Appeal with respect to the aforesaid Commitment Adjustment Letter citing a number of reasons why the proposed Commitment Adjustment was improper and wrong, including the fact that ICM had no contact with the applicant, Al-Ghazaly Elementary School, during the period the Form 470 and Technology Plan in question was prepared or filed. On November 23, 2004, ICM supplemented its submittal of September 3, 2004 by bringing to USAC's attention the holding of *In Re Federal-State Joint Board of Universal Service, et al.*, 19 FCC Rcd 15252 adopted on July 23, 2004 [hereinafter "*In re Federal-State*"].

By letter dated March 3, 2005, the USAC issued an Administrator's Decision of Appeal - Funding Year 2002-2003, denying in full ICM's appeal.

The Administrator's Decision of Appeal - Funding Year 2002-2003 cites the following reasons for its rejection of ICM's appeal:

"SLD denied your funding request(s) because it determine that similarities in the Form 470, technology plan, and selective review responses among applicants associated with this vendor indicate that the vendor was improperly involved in the competitive bidding and/or vendor selection process. In your appeal, you have not shown that SLD's

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determination was incorrect. Consequently, SLD denies your appeal.” (Emphasis added).

This determination by the Administrator must be reversed 1) because it was clearly arbitrary and capricious as it was decided based upon assumption, consequential evidence and conjecture, and it is not supported by any factual determinations, 2) because it fails any test of adequate due process, 3) on equitable grounds, and 4) because it violates the holding and directive of the FCC contained in *In re Federal-State*.

ARGUMENTS

1. These determinations by the Universal Services Administrative Company (“USAC”) were arbitrary and capricious and were founded upon assumptions, consequential evidence and conjecture which had no basis in fact and were made in the absence of sufficient information. Since the bases of USAC’s were founded on mere assumption, consequential evidence, and conjecture, the Administrator’s Decision was arbitrary and capricious. In particular these determinations were wrong for the following reasons:

A. It is absurd for USAC to base its decision to uphold the finding of the Commitment Adjustment Letter on the basis that ICM had “not shown that SLD’s determination was incorrect”. ICM conclusively showed that it was not involved in the competitive bidding and/or vendor selection process until the spin change of May 13, 2003 and, therefore, was not involved in a competitive bidding and/or vendor selection process which took place as far back as 2001. It is further incomprehensible how SDL without disputing ICM’s presentation of the facts as to the time frames of competitive bidding and/or selection process (2001) and the spin change (2003) (see Enclosure 2B, page 3) insists that ICM failed to show its non-involvement in the competitive bidding and/or the vendor selection process.

B. It is impossible for ICM to have been “improperly involved in the competitive bidding and/or vendor selection process. Since this was the sole basis of the USAC decision, it must be reversed and all funding reinstated. As stated in ICM’s appeal of the Commitment Adjustment Letter dated July 29, 2004, ICM had obtained from the USAC website a copy of the Form 470 or had requested and received from Al-Ghazaly Elementary School, a copy of the Form 470 and technology plan that are at issue in this appeal. In addition, ICM had requested and received other Forms 470 and technical plans associated with other Form 471 Application Numbers being questioned by other Commitment Adjustment Letters. ICM compared the Form 470 and technology plan at issue in this appeal with other Form 470 and technology plans which

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are the subject matter of other Commitment Adjustment Letters received by ICM. A review of these Forms 470 indicated that the Form 470 is a standard form with a few spaces to be completed by the applicant. The form itself is obviously identical to all other Forms 470 and a detailed analysis of the applicant completed sections of the Form 470 at issue in this appeal verses the Forms 470 at issue in the other Commitment Adjustment Letters indicates that the Forms, while being similar, are certainly not identical in all respects. Furthermore, in all likelihood comparing these Forms 470 to any other Forms 470 would yield similar results.

With respect to the technology plans, ICM compared the technology plan at issue in this appeal with the other technology plans being questioned by other Commitment Adjustment Letters received by ICM. Again, while the plans are similar, they all appear to be based upon information and sample technology plans ("Sample Technology Plans") that were available on the E-Rate Central website (www.e-ratecentral.com). Attached to ICM's September 3, 2004 Appeal, as Enclosure D, was a copy of a technology plan that is the subject matter of this appeal and as Enclosure E a copy of Sample Technology Plans that was printed from the E-Rate Central website. While there are some differences in the technology plans, they are all substantially similar to each other and the Sample Technology Plans. While ICM has no knowledge concerning the preparation of the technology plan at issue in this appeal, it is clear that Al-Ghazaly Elementary School very likely accessed the E-Rate Central website and utilized the website as a basis for the preparation of its technology plan, as apparently did other applicants thereby yielding technology plans that are similar. To draw a conclusion that ICM "was improperly involved in the competitive bidding and/or vendor selection process" from such circumstantial and unconvincing evidence is a harsh leap of faith that cannot be justified in this forfeiture case where the continued existence of ICM is at stake.

2. The Administrator's Decision fails any test of due process. The Commitment Adjustment Letter and the Administrator's Decision make reference to a "selective review response". This was a process of which ICM had no connection with whatsoever, and had no knowledge concerning the documents that may have been filed or considered in connection with that review, and, therefore, has no knowledge of or the opportunity to review or comment upon.

The fact that the Administrator considered this review and related documents without giving ICM notice of this evidence and a right to review it and comment or refute it, is an unconscionable violation of Due Process. "The Due Process Clause provides that certain substantive risks - - - life, liberty and property - - cannot be deprived except pursuant to constitutionally adequate procedures." *Cleveland Board of Education v. Loudermill, et al.* 470 U.S. 532, 541 (1985). These procedures would include notice of the evidence and a right to be heard concerning that evidence. In this matter, the Administrator considered, without notice to ICM or a right for ICM to contest that evidence. This was a fundamental violation of ICM's

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right of Due Process. This Commission has held that "submission of new evidence following a funding commitment decision letter is permitted only under limited circumstances". *In re Atlantic City Public School District*, 17 FCC Rcd 25186, 25189 on December 16, 2002.

To make matters worse, this proceeding, in its essence, is an attempt to recover funds from ICM and, therefore, is an attempt to enforce a forfeiture of ICM's property. If any civil proceeding deserves the procedural safeguards of Due Process, it is a forfeiture proceeding. This Commission cannot expect a small business like ICM, which is being faced with financial ruin if it cannot reverse these commitment adjustments, to adequately defend its position when the USAC, on deciding its appeal, considers new evidence that ICM had no notice of or for that matter had any knowledge of whatsoever. Based upon this total lack of both substantive and procedural due process, this Commission must grant this Appeal, rescind the Commitment Adjustment Letter, and reinstate all commitment amounts in full.

3. The proposed commitment adjustments should be reversed on equitable grounds. ICM had nothing to do with any alleged improprieties in the competitive bidding process is being asked to bear the brunt of some other entity's alleged improper acts. If these proposed commitment adjustments remain as proposed, ICM will have rendered non-recoverable goods and services and have effectively received no compensation for its efforts which it rendered in accordance with its contractual commitments. On the other hand, an applicant who may have been a party to an improper competitive bidding procedure will have received goods and services and have incurred no costs for their acquisition. This would be a gross injustice where an innocent party is punished and a culpable party receives an undeserved benefit. This Commission has, in the past, reviewed the equities of various matters and when, as in this case, these equities weighed heavily in favor of an aggrieved party, this Commission waived the technical requirements of regulations to achieve a just outcome. *In re Shawnee Library System*, 17 FCC Rcd 11824, 11829 on January 25, 2002; *In re Folsom Cordova United School District*, 16 FCC Rcd 20215, 20220 on November 13, 2001. In order to avoid an unwarranted hardship to ICM and to achieve a just result, the Commission should issue a waiver with respect to the FRNs in issue and the competitive bid rules. On the equity considerations alone, the commitment adjustment results should be cancelled and all FRNs reinstated in full.

4. The proposed commitment adjustments should be reversed because they violate in holding and direction of *In re Federal-State*. On July 29, 2004, the Federal Communication Commission ("FCC") adopted *In re Federal-State Joint Board on Universal Service*, 19 FCC Rcd 15252 on July 23, 2004 [hereinafter *In re Federal-State*]. A copy of that decision is annexed hereto as Enclosure 2C.

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This decision, issued by the FCC in response to petitions by various providers, directed the USAC to re-direct its efforts to recover any funds that had been allegedly distributed unlawfully from the providers to the party or parties who have committed the statutory or rule violation in question.

The FCC further stated with respect to the “party or parties who have committed the statutory or rule violation” that:

“ We do so recognizing that in many instances, this will likely be the school or library, rather than the service provider.” *In re Federal-State*, 19 FCC Rcd at par. 10.

In reaching this conclusion, the FCC noted that:

The school or library is the entity that undertakes the various necessary steps in the application process, and receives the direct benefit of any services rendered. The school or library submits to USAC a completed FCC Form 470, setting forth its technological needs and the services for which it seeks discounts. The school or library is required to comply with the Commission’s competitive bidding requirements as set forth in Sections 54.504 and 54.511(a) of our rules and related orders. The school or the library is the entity that submits FCC Form 471, notifying the Administrator of the services that have been ordered, the service providers with whom it has entered into agreements, and an estimate of the funds needed to cover the discounts to be provided on eligible services.

Id. at par. 11.

It further went on to discuss that the service providers also have to follow the rules and regulations, but those are with regard to

the supported service, and as such, must provide the services approved for funding within the relevant funding year. The service provider is required under our rules to provide beneficiaries a choice of payment method, and, when the beneficiary has made full payment for the services, to remit discount amounts to the beneficiary within twenty days of receipt of the reimbursement check. But in many situations, the service provider simply is not in a position to ensure that all applicable statutory and regulatory requirements have been met. Indeed, in many instances, a service provider

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may well be totally unaware of any violation. In such cases, we are convinced that it is both unrealistic and inequitable to seek recovery solely from the service provider. (Emphasis added)

Id. at par. 11.

Finally, with respect to the applicability of the decision to other cases, the FCC stated that:

“[t]his revised recovery approach shall apply on a going forward basis to all matters for which the USAC has not yet issued a demand letter as of the effective date of this order, and to all recovery actions currently under appeal to either USAC or this agency.” *Id.* at par. 10.

Applying this language and this directive of the FCC to the case at hand and the Commitment Adjustment Letter, and the Administrator’s Decision on Appeal dated March 3, 2005, it is clear that ICM had absolutely nothing to do with the original application process or the original competitive bidding and/or vendor selection process and, as such, it is merely a provider that needs to uphold the provider’s obligations as delineated above by the FCC. It is the Al-Ghazaly Elementary School who was the applicant and who obtained these grants and, therefore, was the entity that needed to comply with all the rules and regulations concerning the application process and, as such, it is that School to whom the Schools and Library Division must look to first to recover any funding that may have been granted in violation of any statute, regulation or rule. Based upon this decision, the FCC has conclusively decided the issue presented in this appeal and has held that the USAC should proceed against the wrongdoing applicant to recover any questionable payments and not the innocent provider.

CONCLUSION

For the reasons set forth above, ICM hereby requests that the relief requested in this appeal be granted and the finding as contained in Universal Service Administrative Company’s letter of July 29, 2004 be reversed and that all commitment amounts be reinstated in full.

As noted in ICM’s earlier appeal, most of the efforts ICM has expended under the aforesaid FRNs were labor hours, internet and telephone charges, cabling and other non-recoverable items, therefore, the rescission of the FRNs would be a disastrous and an unusually severe hardship on this small business that would effectively terminate ICM’s ability to continue as a viable entity. If these commitment adjustments are allowed to remain, not only would the

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management of ICM lose their investment, 15 employees would lose their jobs and a large number of local businesses that rely on ICM could also be adversely affected. This would occur all because of some very serious deficient findings of fact, unsubstantiated conclusions, and disregard of the applicable law. Both the law and the equity of this situation require this Commission to uphold this appeal and reinstate all the commitments at issue in full.

If you have any further questions concerning this matter, please contact the undersigned at the address and telephone number indicated above, or our attorney, Gary Marcus, of the law firm of Goldberg & Connolly, 66 North Village Avenue, Rockville Centre, NY 11570, telephone No. 516-764-2800, fax No. 516-764-2827, e-mail gmarcus@goldbergconnolly.com.

Very truly yours,

INDEPENDENT COMPUTER MAINTENANCE, LLC

By: _____
Anthony Natoli, President



Administrator's Decision on Appeal - Funding Year 2002-2003

March 3, 2005

Anthony Natoli
Independent Computer Maintenance, LLC
1037 Route 46 East
Suite C-102
Clifton, NJ 07013

Re: Al-Ghazaly Elementary School

Re: Billed Entity Number: 208838
471 Application Number: 310917
Funding Request Number(s): 809405
Your Correspondence Dated: September 3, 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 the Funding Year 2002 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 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 for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 809405
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you assert that you were not involved whatsoever in the preparation and/or filing of the form 470 for your customers. In the case of Al-Ghazaly Elementary School, there was an operational SPIN change from Diversified Computers Solutions, Inc. to Independent Computer Maintenance, LLC (ICM) which took place on May 15, 2003 and the form 470 was filed on or about December 11, 2001. ICM did not become involved with the above mentioned FRN until March 3, 2003. You also state that a comparison of FCC Form 470s and technology plans from various applicants indicates that although these documents look similar, are certainly not identical in all respects.

- After a thorough investigation of the appeal letter and the relevant supporting documentation, it has been determined that the entire commitment for the referenced FRN must be rescinded. During the course of the selective review, similarities in Forms 470, selective review responses, and technology plans seen amongst applicants using Diversified Computer Solutions suggests service provider involvement in the competitive bidding process. In this particular instance, the applicant requested and was granted an operational SPIN change to Independent Computer Maintenance, LLC. Unfortunately the original Form 470 used to bid the services along with its characteristics was inherited by the new service provider. You failed to provide evidence that the applicant has complied with program rules. Accordingly, the commitment will be rescinded and the SLD will seek recovery of any disbursed funds.
- FCC rules require applicants to submit an FCC Form 470 to USAC for posting on its web site. 47 C.F.R. § 54.504(b). The FCC requires applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate." *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157, ¶ 570 (rel. May 8, 1997) (Universal Service Order)*. The FCC requires "the application to describe the services that the schools and libraries seek to purchase in sufficient detail to enable potential providers to formulate bids." *Id.* ¶ 575. The Form 470 warns applicants that "[s]ervice provider involvement with the preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests." *See Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (April 2002) (FCC Form 470)*. Once the applicant enters into an agreement(s) with the service provider(s), the applicant submits an FCC Form 471 to USAC. 47 C.F.R. § 54.504(c). The FCC has stated that applicants cannot abdicate control over the application process to a service provider that is associated with the FCC Form 471 for that applicant. *Request for Review by Bethlehem Temple Christian School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, DA-01-852 ¶ 6 (rel. Apr. 6, 2001)*.
- Pursuant to its authority to administer the Schools and Libraries Support Mechanism, SLD selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among other things, the competitive bidding process. Applicants who are chosen for this review are sent the "E-Rate Selective Review Information Request." As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s). This documentation should include a description of your evaluation process and the factors you used to determine the winning contract(s).

- According to the Selective Review Information Request, the person authorized by the applicant to sign on the applicant's behalf, or the entity's authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of the entity.
- SLD denied your funding request(s) because it determined that similarities in the Form 470, technology plan, and selective review responses among applicants associated with this vendor indicate that the vendor was improperly involved in the competitive bidding and/or vendor selection process. In your appeal, you have not shown that SLD's determination was incorrect. Consequently, SLD denies your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above 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 either the e-mail or fax filing options.

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

Schools and Libraries Division
Universal Service Administrative Company

cc: Ashraf Eisa
Al-Ghazaly Elementary School
17 Park Street
Jersey City, NJ 07304



INDEPENDENT COMPUTER MAINTENANCE LLC

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November 23, 2004

Letter of Appeal
The Universal Service Administrative Company
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany NJ 07981

**SUPPLEMENT TO APPEAL DATED SEPTEMBER 3, 2004 OF COMMITMENT
ADJUSTMENT LETTER DATED JULY 29, 2004**

Re: **APPEAL OF COMMITMENT ADJUSTMENT**
FUNDING YEAR: 2002 Through 2003
FORM 471 APPLICATION NUMBER: 310917
APPLICANT NAME: Al-Ghazaly Elementary School
APPLICANT CONTACT: Ashraf Eisa
BILLED ENTITY NAME: Al-Ghazaly Elementary School
BILLED ENTITY NUMBER: 208838
BILLED ENTITY AND APPLICANT CONTACT
PHONE NO. (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO. 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: 973-916-1800
SERVICE PROVIDER FAX NO.: 973-916-1986
PROVIDER E-MAIL: TONYN@ICM CORPORATION.COM

**Enclosure A: Copy of Commitment Adjustment Letter from
Universal Service Administrative Company
dated July 29, 2004.**

**Enclosure B: Copy of ICM's Appeal of the Commitment
Adjustment Letter dated September 3, 2004.**

C:\DOCUMENTS AND SETTINGS\GRACE\DESKTOP\ICM - AL-GHAZALY-SUPPLEMENT TO APPEAL.WPD -
November 23, 2004

Since 1985

1037 ROUTE 46 EAST, SUITE C-102 • CLIFTON, NJ 07013 • TEL 973-916-1800 • FAX 973-916-1986

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The Universal Service Administrative Company
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**Enclosure C: Copy of FCC Decision entitled "In Re
Federal-State Joint Board on Universal
Service; et al." adopted on July 23, 2004.**

Gentlemen:

Please accept this letter and its enclosures as a supplement to Independent Computer Maintenance, LLC's ("ICM") appeal of your Commitment Adjustment Letter dated July 29, 2004, rescinding in full the Funding Request Numbers ("FRNs") set forth below. A copy of that Commitment Adjustment Letter and its attachments are annexed hereto as Enclosure A.

The July 29, 2004 Commitment Adjustment Letter concerning the above-referenced Form Application Number advised ICM that "the commitment amount" for the following FRN is "rescinded in full" and requested the recovery of the funds to the extent indicated below:

<u>Funding Request Number</u>	<u>Requested Recovery</u>
809405	\$ 71,550.00

The reason given for the rescission of the above-mentioned FRN was as follows:

"After a thorough review, it has been determined that the entire funding commitment must be rescinded. The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seem amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds."

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By letter dated September 3, 2004, ICM appealed the Commitment Adjustment Letter on a number of grounds including, but not limited to, the fact that ICM had no contact with the applicant, Al-Ghazaly Elementary School, at the time the Form 470 and technology plan were filed by Al-Ghazaly Elementary School on or about December 11, 2001. ICM did not become involved with the above-mentioned FRN until March 3, 2003, when, pursuant to SPIN change request of Al-Ghazaly Elementary School, ICM was proposed as the new service provider replacing Diversified Computer Solutions, Inc. A copy of ICM's September 3, 2004 Appeal of the Commitment Adjustment Letter is annexed hereto as Enclosure B.

On September 3, 2004, the Federal Communication Commission ("FCC") adopted *In re Federal-State Joint Board on Universal Service*, 19 FCC Rcd 15252 on July 23, 2004 [hereinafter *In re Federal-State*]. A copy of that decision is annexed hereto as Enclosure C.

This decision, issued by the FCC in response to petitions by various providers, directed the Universal Service Corporation to re-direct its efforts to recover any funds that had been allegedly distributed unlawfully from the providers to the party or parties who have committed the statutory or rule violation in question.

The FCC further stated with respect to the "party or parties who have committed the statutory or rule violation" that:

" We do so recognizing that in many instances, this will likely be the school or library, rather than the service provider." *In re Federal-State*, 19 FCC Rcd at par. 10.

In reaching this conclusion, the FCC noted that:

The school or library is the entity that undertakes the various necessary steps in the application process, and receives the direct benefit of any services rendered. The school or library submits to USAC a completed FCC Form 470, setting forth its technological needs and the services for which it seeks discounts. The school or library is required to comply with the Commission's competitive bidding requirements as set forth in Sections 54.504 and 54.511(a) of our rules and related orders. The school

or the library is the entity that submits FCC Form 471, notifying the Administrator of the services that have been ordered, the service providers with whom it has entered into agreements, and an estimate of the funds needed to cover the discounts to be provided on eligible services.

Id. at par. 11.

It further went on to discuss that the service providers also have to follow the rules and regulations, but those are with regard to

the supported service, and as such, must provide the services approved for funding within the relevant funding year. The service provider is required under our rules to provide beneficiaries a choice of payment method, and, when the beneficiary has made full payment for the services, to remit discount amounts to the beneficiary within twenty days of receipt of the reimbursement check. But in many situations, the service provider simply is not in a position to ensure that all applicable statutory and regulatory requirements have been met. Indeed, in many instances, a service provider may will be totally unaware of any violation. In such cases, we are convinced that it is both unrealistic and inequitable to seek recovery solely from the service provider. (Emphasis added)

Id. at par. 11.

Finally, with respect to the applicability of the decision to other cases, the FCC further stated that:

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Applying this language and this directive of the FCC to the case at hand and the Commitment Adjustment Letter that is the subject of this appeal, it is clear that ICM had absolutely nothing to do with the original application process and, as such, it is merely a provider that needs to uphold the provider's obligations as delineated above by the FCC. It is the Al-Ghazaly Elementary School who was the applicant and who obtained these grants and, therefore, the one that needed to comply with all the rules and regulations concerning the application process and, as such, it is that School to whom the Schools and Library Division must look to first to recover any funding that may have been granted in violation of any statute, regulation or rule.

Since this FCC ruling by its terms clearly applied to this matter, ICM hereby requests that, without any further delay, the Enclosure A Adjustment Letter be canceled and any requested refunds regarding funding associated with the rescinded commitment amounts be withdrawn.

Thank you for giving this matter your immediate attention.

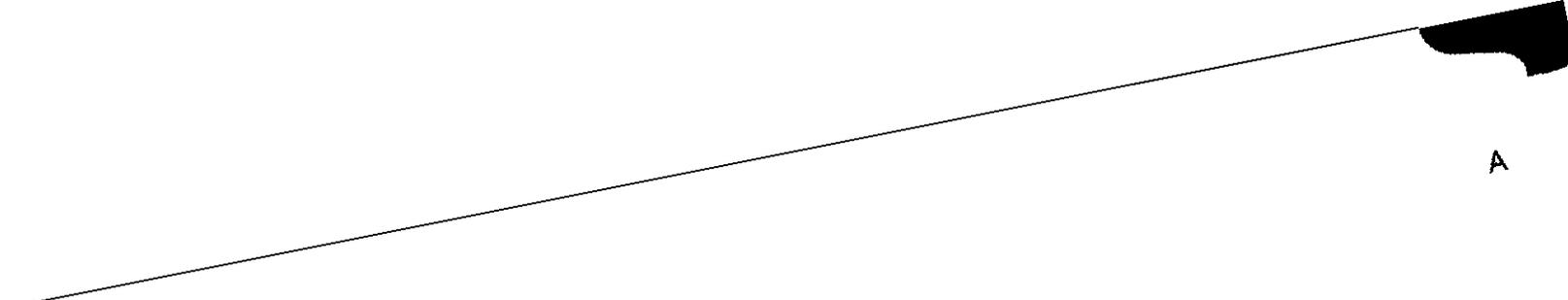
If you have any further questions concerning this matter, please contact the undersigned at the address and telephone number indicated above, or our attorney, Gary Marcus, of the law firm of Goldberg & Connolly, 66 North Village Avenue, Rockville Centre, NY 11570, telephone No. 516-764-2800, fax No. 516-764-2827, e-mail gmarcus@goldbergconnolly.com.

Very truly yours,

INDEPENDENT COMPUTER MAINTENANCE, LLC

By: 

Anthony Natoli, President



A



Universal Service Administrative Company
Schools & Libraries Division

COMMITMENT ADJUSTMENT LETTER

July 29, 2004

Anthony Natoli
Independent Computer Maintenance, LLC
1037 Route 46 East
Clifton, NJ 07013

Re: COMMITMENT ADJUSTMENT

Funding Year 2002 -2003

Form 471 Application Number: 310917

Applicant Name AL-GHAZALY ELEMENTARY SCHOOL

Contact Person: ASHRAF EISA

Contact Phone: 973-785-2300

Dear Service Provider Contact:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust these funding commitments. The purpose of this letter is to inform you of the adjustments to these 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 the application for which adjustments are necessary. The SLD is also sending this information to applicant, so that you may work with them 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. We expect to send you a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to the applicant. 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.

TO APPEAL THIS DECISION:

If you wish to appeal the Funding Commitment Decision indicated in this letter, your appeal must be **POSTMARKED** within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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. State outright that your letter is an appeal. Identify which Commitment Adjustment Letter you are appealing. Your letter of appeal must include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, copy the language or text from the Commitment Adjustment Letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. 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 authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125- Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal 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 encourage the use of either the e-mail or fax filing options.

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). You should refer to CC Docket Nos. on the first page of your appeal to the FCC. Your appeal must be **POSTMARKED** within 60 days of the above 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 either the e-mail or fax filing options.

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.

Funding Commitment Report for Application Number: 310917

Funding Request Number 809405 SPIN: 143026575
Service Provider: Independent Computer Maintenance, LLC
Contract Number: 10746
Services Ordered: INTERNAL CONNECTIONS
Site Identifier: 208838 AL-GHAZALY ELEMENTARY SCHOOL
Billing Account Number:
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$71,550.00
Funds to be Recovered: \$71,550.00

Funding Commitment Adjustment Explanation:

After a thorough review, it has been determined that the entire funding commitment must be rescinded. The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seen amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds.



INDEPENDENT COMPUTER MAINTENANCE LLC

SALES • COMMUNICATIONS • CONSULTING • VOICE & DATA SOLUTIONS

www.icmcorporation.com

September 3, 2004

Letter of Appeal
The Universal Service Administrative Company
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany NJ 07981

Re: **APPEAL OF COMMITMENT ADJUSTMENT**
FUNDING YEAR: 2002 Through 2003
FORM 471 APPLICATION NUMBER: 310917
APPLICANT NAME: Al-Ghazaly Elementary School
APPLICANT CONTACT: Ashraf Eisa
BILLED ENTITY NAME: Al-Ghazaly Elementary School
BILLED ENTITY NUMBER: 208838
BILLED ENTITY AND APPLICANT CONTACT
PHONE NO. (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: 973-916-1800
SERVICE PROVIDER FAX NO.: 973-916-1986
SERVICE PROVIDER E-MAIL:
TONYN@ICM CORPORATION.COM

**Enclosure A: Copy of Commitment Adjustment Letter from
Universal Service Administrative Company
dated July 29, 2004.**

**Enclosure B: Copy of SPIN Change Request of
Al-Ghazaly Elementary School
dated March 3, 2003.**

**Enclosure C: Copy of SLD Client Operations' e-mail dated
May 15, 2003 approving the SPIN change.**

Since 1985

1037 ROUTE 46 EAST, SUITE C-102 • CLIFTON, NJ 07013 • TEL 973-916-1800 • FAX 973-916-1986

Letter of Appeal
The Universal Service Administrative Company
Schools and Libraries Division
September 3, 2004
Page 2

Enclosure D: Copy of Technology Plan (for years 2001-2004)

Enclosure E: Sample of Technology Plan

Gentlemen:

NOTICE OF APPEAL

Please accept this letter and its enclosures as Independent Computer Maintenance, LLC's ("ICM") appeal of your Commitment Adjustment Letter dated July 29, 2004 rescinding in full the Funding Request Number ("FRN") set forth below. A copy of that Commitment Adjustment Letter and its attachments are annexed hereto as Enclosure A.

FACTS

The July 29, 2004 Commitment Adjustment Letter concerning the above-referenced Form Application Number advised ICM that "the commitment amount" for the following FRN is "rescinded in full" and requested the recovery of the funds to the extent indicated below:

<u>Funding Request Number</u>	<u>Requested Recovery</u>
809405	\$ 71,550.00

The reason given for the rescission of the above-mentioned FRN was as follows:

"After a thorough review, it has been determined that the entire funding commitment must be rescinded. The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seen amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds."

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The Universal Service Administrative Company
Schools and Libraries Division
September 3, 2004
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ARGUMENT

These determinations by the Universal Services Administrative Company ("USAC") were founded upon assumptions which had no basis in fact and were made in the absence of sufficient information. In particular these determinations were wrong for the following two reasons:

1. ICM had no contact with the applicant, Al-Ghazaly Elementary School, at the time the Form 470 and technology plan were filed by Al-Ghazaly Elementary School on or about December 11, 2001. ICM did not become involved with the above-mentioned FRN until March 3, 2003, when, pursuant to SPIN change request of Al-Ghazaly Elementary School, ICM was proposed as the new service provider replacing Diversified Computer Solutions, Inc. A copy of Al-Ghazaly Elementary School's request for SPIN change is annexed hereto as Enclosure B along with a copy of an e-mail from SLD Client Operations to ICM dated May 15, 2003 granting the aforesaid requested SPIN change which is annexed hereto as Enclosure C.
2. Notwithstanding the fact that ICM had no input into either the Form 470 or technology plan preparation, ICM has obtained from the USAC website a copy of the Form 470 or has requested and received from Al-Ghazaly Elementary School, a copy of the Form 470 and technology plan that are at issue in this appeal. In addition, ICM has requested and received other Forms 470 and technical plans associated with other Form 471 Application Numbers being questioned by other Commitment Adjustment Letters. ICM has compared the Form 470 and technology plan at issue in this appeal with other Form 470 and technology plans which are the subject matter of other Commitment Adjustment Letters received by ICM. A review of these Forms 470 indicates that the Form 470 is a standard form with a few spaces to be completed by the applicant. The form itself is obviously identical to all other Forms 470 and a detailed analysis of the applicant completed sections of the Form 470 at issue in this appeal verses the Forms 470 at issue in the other Commitment Adjustment Letters indicates that the Forms, while being similar, are certainly not identical in all respects. Furthermore, in all likelihood comparing these Forms 470 to any other Forms 470 would yield similar results.

With respect to the technology plans, ICM has compared the technology plan at issue in this appeal with the other technology plans being questioned by other Commitment Adjustment Letters received by ICM. Again, while the plans are similar, they all appear to be based upon information and sample technology plans ("Sample Technology Plans") that are available on the E-Rate Central website (www.e-ratecentral.com). Attached as Enclosure D is a copy of a technology plan that is the subject matter of this appeal and as Enclosure E a copy of Sample Letter of Appeal Technology Plans that was printed from the E-Rate Central website. While there are some differences in the technology plans ICM reviewed, they are all substantially similar

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The Universal Service Administrative Company
Schools and Libraries Division
September 3, 2004
Page 4

to each other and the Sample Technology Plans. While ICM has no knowledge concerning the preparation of the technology plan at issue in this appeal, it is clear that Al-Ghazaly Elementary School very likely accessed the E-Rate Central website and utilized the website as a basis for the preparation of its technology plan, as apparently did other applicants thereby yielding technology plans that are similar.

CONCLUSION

It was inappropriate and wrong for USAC to arrive at determinations that ICM was improperly involved in the competitive bid process. These determinations were based upon assumptions that have no basis in fact. While the Forms 470 and technology plans among some of the applicants associated with ICM may have been similar, there are obvious other reasons for the similarity, including the fact that they were modeled on Sample Technology Plans available on a public website. However, and most important, it needs to be stressed that ICM had nothing to do with the preparation of either the 470 or the technology plan associated with the above-referenced Form 471 Application Number and the aforesaid FRNs and was not involved with the Form 470, the technology plan or the FRNs referenced in the Commitment Adjustment Letter until the SPIN change which was effective no later than May 7, 2003, more than 16 months after Al-Ghazaly Elementary School filed the Form 470 and the technology plan for the 2002 through 2003 Funding Year.

For the reasons set forth above, ICM hereby requests that the finding as contained in Universal Service Administrative Company's letter of July 29, 2004 be reversed and that all commitment amounts be reinstated in full.

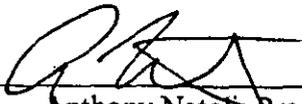
Finally, it should be noted that most of the efforts ICM has expended under the aforesaid FRNs were labor hours, internet and telephone charges, cabling and other non-recoverable items, therefore, the rescission of the FRNs would be a disastrous and an unusually severe hardship on this small business.

Letter of Appeal
The Universal Service Administrative Company
Schools and Libraries Division
September 3, 2004
Page 5

If you have any further questions concerning this matter, please contact the undersigned at the address and telephone number indicated above, or our attorney, Gary Marcus, of the law firm of Goldberg & Connolly, 66 North Village Avenue, Rockville Centre, NY 11570, telephone No. 516-764-2800, fax No. 516-764-2827, e-mail gmarcus@goldbergconnolly.com.

Very truly yours,

INDEPENDENT COMPUTER MAINTENANCE, LLC

By: 
Anthony Natoli, President

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The Universal Service Administrative Company
Schools and Libraries Division
September 3, 2004
Page 6

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Universal Service Administrative Company
Schools & Libraries Division

COMMITMENT ADJUSTMENT LETTER

July 29, 2004

Anthony Natoli
Independent Computer Maintenance, LLC
1037 Route 46 East
Clifton, NJ 07013

Re: COMMITMENT ADJUSTMENT

Funding Year 2002 -2003

Form 471 Application Number: 310917

Applicant Name AL-GHAZALY ELEMENTARY SCHOOL

Contact Person: ASHRAF EISA

Contact Phone: 973-785-2300

Dear Service Provider Contact:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules.

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

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- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

Funding Commitment Report for Application Number: 310917

Funding Request Number 809405 SPIN: 143026575
Service Provider: Independent Computer Maintenance, LLC
Contract Number: 10746
Services Ordered: INTERNAL CONNECTIONS
Site Identifier: 208838 AL-GHAZALY ELEMENTARY SCHOOL
Billing Account Number:
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$71,550.00
Funds to be Recovered: \$71,550.00

Funding Commitment Adjustment Explanation:

After a thorough review, it has been determined that the entire funding commitment must be rescinded. The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seen amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds.

Islamic Education Foundation
of New Jersey, Inc.

Al-Ghazaly Elementary School



مؤسسة التعليم الاسلامي
في ولاية نيو جيرسي
مدرسة الغزالي الابتدائية

March 3, 2003

We are requesting an operational SPIN change for the following:

Billed entity number: 208838
 Applicant name: AL-GHAZALY ELEMENTARY SCHOOL
 Funding request numbers: 809281, 809315, 809368, 809405
 Form 471 application number: 310917
 Applicant contact: Louay Akil
 Applicant Phone: (973) 785-2300
 Applicant E-mail address: N/A
 Original SPIN: 143024755
 Original service provider: Diversified Computer Solutions, Inc.
 Original service provider contact: Benty Gill
 Original service provider phone: (973) 808-9339
 Original service provider E-mail address: bgill@dcssupport.com
 New SPIN: 143026575
 New service provider: Independent Computer Maintenance, Inc.
 New service provider contact: Anthony Natoli
 New service provider phone: (973) 916-1800
 New service provider E-mail address: tonyn@icmccorporation.com
 Proposed effective date of the SPIN change: March 3, 2003

I certify that (1) all SPIN changes requested in this letter are allowed under all applicable state and local procurement rules, (2) the SPIN changes are allowable under the terms of the contract, if any, between the applicant and its original service provider, and (3) the applicant has notified its original service provider of its intent to change service providers.

Thank you for your attention to this matter.

Louay Akil

TONY NATOLI

From: "SLDClient Operations" <SLDClientOperations@sl.universalservice.org>
 To: <tonyn@icmcorporation.com>
 Sent: Thursday, May 15, 2003 11:54 AM
 Subject: E-Rate program confirmation of SPIN change FRN 809281, 809315,809368, 809405

A request to change/correct the Service Provider on the following Funding Request(s) (FRN) was granted.

As the new Service Provider, you will receive a Funding Commitment Decision Letter (FCDL). PLEASE NOTE: While this FCDL will contain more detailed information on the FRN(s) listed below, it will show the ORIGINAL COMMITMENT amount, rather than the amount that remains undisbursed for this FRN.

THIS E-MAIL IS FOR ADVISORY PURPOSES ONLY. REPLIES WILL NOT BE RECEIVED. IF YOU HAVE QUESTIONS REGARDING THE SUBJECT OF THIS ADVISORY E-MAIL, PLEASE CALL OUR CLIENT SERVICE BUREAU AT 1-888-203-8100.

Applicant:

AL-GHAZALY ELEMENTARY SCHOOL

17 PARK STREET

JERSEY CITY, NJ 07304

Contact ASHRAF EISA Phone: (973) 785-2300

Form 471 Application Number: 310917

Funding Request No. (FRN): 809281

New Service Provider: Independent Computer Maintenance, LLC

New SPIN: 143026575

Original Commitment Amount: \$34,344.00

Disbursement \$0.00

CAP Remaining: \$34,344.00

Date of 05/07/2003

A Form 486 has been filed for this No

This FRN includes Non-Recurring Yes

Funding Request No. (FRN): 809315

New Service Provider: Independent Computer Maintenance, LLC

New SPIN: 143026575

Original Commitment Amount: \$119,250.00

Disbursement \$0.00

CAP Remaining: \$119,250.00

Date of 05/07/2003

A Form 486 has been filed for this No

This FRN includes Non-Recurring Yes

Funding Request No. (FRN): 809368

New Service Provider: Independent Computer Maintenance, LLC

New SPIN: 143026575

Original Commitment Amount: \$211,005.72

Disbursement \$0.00

CAP Remaining: \$211,005.72

Date of 05/07/2003

A Form 486 has been filed for this No

This FRN includes Non-Recurring Yes

Funding Request No. (FRN): 809405

New Service Provider: Independent Computer Maintenance, LLC

New SPIN: 143026575

Original Commitment Amount: \$71,550.00

Disbursement \$0.00

CAP Remaining: \$71,550.00

Date of 05/07/2003

A Form 486 has been filed for this No

This FRN includes Non-Recurring Yes

TECHNOLOGY PLAN FOR THE AL-GHAZALY ELEMENTARY SCHOOL

(For Years 2001-2004)

I. Executive Summary

A. Mission statement

B. Plan Summary

II. Information Technology Assessment

A. Current inventory of equipment and services

1. Computers
2. Telecommunications
3. Internet access and services
4. Other technologies

B. Current program status

1. Curriculum integration
2. Staffing and training

C. Current budget

1. Equipment and services
2. Upgrades and maintenance
3. Related infrastructure
4. Staffing and training

D. Needs assessment

1. Recent developments and current status
2. Planning process

III. Technology Objectives and Plans

A. Overview

- 1. Overall objectives**
- 2. Grade-appropriate curriculum integration**
- 3. Basic technology architecture and infrastructure plan**

B. Equipment and service components

1. Hardware/software

- a. Computer**
- b. Telecommunications**
- c. Other**

2. Services

- a. Computer and Internet access**
- b. Telecommunications**
- c. Other (e.g., distance learning)**

3. Infrastructure

- a. Facility construction and/or renovation**
- b. Telecommunications and electrical wiring**

4. Related programs

- a. Upgrades and maintenance**
- b. Security and privacy**
- c. Inter-school initiatives**

5. Deployment schedule

C. Staffing and training

1. Technology coordination
2. Support and maintenance
3. Curriculum planning
4. Staff training
5. Other resources

IV. Plan Administration and Budgeting

A. Current plan approval status

1. Internal
2. Independent review and approval

B. Budgeting

1. Equipment purchases and services schedule
2. Annual budgeting and approvals
3. Special bond issuance and approvals, if applicable
4. Other funding sources
 - a. Grants
 - b. E-Rate discounts

C. Ongoing planning and review

1. Plan review and revision plans
2. Technology program monitoring and evaluation process

VISION STATEMENT:

- Technology is a tool to improve student motivation and learning.
- Classroom teachers will become guides directing students in learning activities rather than being the conveyors of facts and information.
- Technology will benefit students in the following ways:
 - They will have greater control over their own learning,
 - They will be able to adapt to our rapidly changing society, and
 - They will be able to create, access, exchange, and analyze information readily from electronic sources.
- Technology supports learning by:
 - Serving as a tool for teaching and learning,
 - Accommodating different curriculum needs,
 - Accommodating different learning styles, and
 - Providing access to information.

All students in the school will be able to access and effectively use any information needed to function as a productive member of the 21st century society.

Teachers in the school will be able to use state-of-the-art technologies to prepare and deliver their lessons

Current state of cabling and electrical support within the building for technology-based school services:

The school is in need of cabling as requested through the E-rate program with Category 5 standard cabling.

Electrical service in all buildings is adequate.

Goal 1

To integrate voice, video and data networks capable of providing communications at the school, division, and national levels.

Strategies

1. Conduct a survey to determine the status of network capabilities for each school division.
2. Develop and distribute guidelines (standards) for building-wide networking to support voice, video, and data.
3. Collaborate with agencies and institutions responsible for design and implementation of statewide and national infrastructure to assure compatibility and connections to all schools (e.g., Title III participation).

Goal 2

To improve teacher and student access to technological resources in classrooms and other learning centers through equitable distribution of grants, equipment, software, and technical assistance.

Strategies

1. Provide a network-ready multimedia microcomputer in all classrooms.
2. Provide for network-ready microcomputers for classrooms to help schools achieve a 5:1 student to microcomputer ratio.
3. Encourage pilot projects to permit students to check out microcomputers for home use.
4. Explore and provide suitable [assistive] devices for special needs students.

Goal 3

Establish extensive training programs and appropriate incentives for teachers to enhance teaching and learning through the use of educational technologies.

Strategies:

1. Establish guidelines and specifications for teacher training.
2. Offer incentives for each educator who completes five graduate-level hours of staff development toward re-certification or endorsements.
3. Expand employment of technology specialists and recommend changes in existing regulations or the creation of new endorsement provisions for professionals in educational technology.
4. Use the recent work of the National Council for Accreditation of Teacher Education (NCATE) to define teacher competencies in areas of instructional technology.

Goal 4

Educators and administrators will have access to technologies that provide for the maintenance, reporting, and analysis of student and administrative data.

Strategies:

1. Adopt a comprehensive, standardized software package to support student and administrative data management, analysis, and reporting.
2. Study future incorporation of a classroom management system to interface with other administrative software.

Goal 5

A system of ongoing evaluation will be established for assessment of technology applications, teacher preparation, and training.

Strategies:

1. Develop tools and a consistent process of data collection that can be used to assess progress in implementing the recommendations of this plan.
2. Publish biennial reports showing the assessment of annual data on technology initiatives.

Technology implementation is a continuous process that adapts to the organization's changing circumstances and includes ongoing evaluation. Effective evaluation will force planners to rethink and adapt objectives, priorities, and strategies as implementation proceeds. Continuous evaluation also facilitates making changes if aspects of the plan are not working.

Evaluating the implementation of a technology plan can be conducted by various means. Simple observations, both negative and positive, that have been made by students and teachers using the technology are the most helpful. Interviews and informal meetings with both instructors and students can draw out the lessons that both groups have learned from using the technology. A simple written survey can assist in measuring the extent to which the plan has met its original objectives and expected outcomes. The following questions will be addressed when planning the evaluation of the implementation of your technology plan:

- How and when will you evaluate the impact your technology plan implementation has on student performance?
- Who will be responsible for collecting ongoing data to assess the effectiveness of the plan and its implementation?
- What windows of opportunity exist for reviewing the technology plan? (For example, the plan might be reviewed during curriculum review cycles.)
- How will accountability for implementation be assessed?
- How will you assess the level of technological proficiency gained by students, teachers, and staff?
- How will you use technology to evaluate teaching and learning?
- What is the key indicator of success for each component of the plan?
- How will you analyze the effectiveness of disbursement decisions in light of implementation priorities?

- How will you analyze implementation decisions to accommodate for changes as a result of new information and technologies?
- What organizational mechanism will you create that allows changes in the implementation of the technology plan and in the plan itself?

Technology Plan Outline Appendix 1

- I. Executive Summary
 - A. Mission statement
 - B. Plan Summary
- II. Information Technology Assessment
 - A. Current inventory of equipment and services
 1. Computers
 2. Telecommunications
 3. Internet access and services
 4. Other technologies
 - B. Current program status
 1. Curriculum integration
 2. Staffing and training
 - C. Current budget
 1. Equipment and services
 2. Upgrades and maintenance
 3. Related infrastructure
 4. Staffing and training
 - D. Needs assessment
 1. Recent developments and current status
 2. Planning process
- III. Technology Objectives and Plans
 - A. Overview
 1. Overall objectives
 2. Grade-appropriate curriculum integration
 3. Basic technology architecture and infrastructure plan
 - B. Equipment and service components
 1. Hardware/software
 - a. Computer
 - b. Telecommunications
 - c. Other (e.g., satellite receivers)