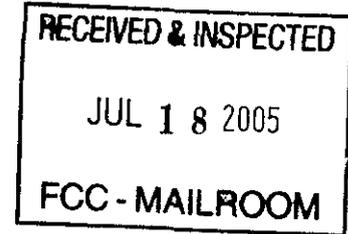




FORT VANCOUVER REGIONAL LIBRARY DISTRICT

Serving Clark, Skamania, Klickitat Counties and Woodland and Yale Precinct in Cowlitz County ☿ Bruce Ziegman, Executive Director

July 12, 2005



DOCKET FILE COPY ORIGINAL

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

REQUEST FOR REVIEW

RE: CC Docket No. 02-6
471 Application Number 336487
FRN's 916879, 916880, 916881, 916882, 916883, 916884, 916885
Billed Entity Number: 145368
Funding Year: 2003-2004

Contact Information: Frank Matlock
Fort Vancouver Regional Library
1007 E Mill Plain Blvd.
Vancouver, WA 98663
360-906-2322 Voice
360-906-2326 Fax
fmatlock@fvrl.org

Dear Sir,

I am submitting this letter of appeal requesting a review of a decision made by the SLD in a letter dated May 31, 2005, regarding the denial of a SPIN change for the funding year 2003-2004 for the above referenced FRN's and 471 application number.

TIMELINE:

1. July 12, 2004 completed Form 472 (BEAR) forms for funding year 2003-2004 using old SPIN #143003835, at that time we were unaware of any SPIN change by our service provider.
2. July 20, 2004 we were notified by Deanna Nguyen, Project Analyst for TCI Network Solutions, dba AT&T Broadband that they had changed their SPIN number so we needed to change the SPIN number on our Form 472.
3. July 30, 2004 faxed the SPIN Correction Request to "Data Entry Corrections – Schools and Libraries Division."
4. February 28, 2005 received a phone call from Sherry Wolford at the SLD, informing us we needed to file an "Operational SPIN Change Request" as was filed on July 30, 2004.

No. of Copies rec'd _____
List of CODE _____

5. March 1, 2005 faxed the Operational SPIN Change Request to the SLD as requested by Sherry Wolford.
6. March 11, 2005 received Administrator's Decision on SPIN Change denial letter.
7. March 23, 2005 sent a Letter of Appeal to the SLD disputing the decision made in the March 11, 2005 denial letter.
8. May 31, 2005 received Administrator's Decision on Appeal – Funding Year 2003-2004 denial letter.

After careful review of the guidelines for SPIN changes on the SLD website, it is quite clear that our first corrective SPIN change filed on July 20, 2004 should have been accepted. The Guidelines for the Corrective SPIN clearly state that a corrective SPIN change needs to be completed when (1) either the applicant or the SLD made a data entry error OR (2) a change occurred that was not initiated by the applicant. PLEASE NOTE: This change was initiated by the service provider NOT by us. It also gives examples of when to use Corrective SPIN changes. Numbers 2 and 3 both apply as shown below.

Number 2 States “The original service provider has merged with, or been acquired by, another company and the SPIN indicated on the FRN has changed.” The name has changed to “Comcast of Oregon Washington” as listed on the SLD website under SPIN Search.

Number 3 States “Other instances when the SPIN indicated on the Form 471 changed when such change was not initiated by the applicant.” I will state again, as I did above, and on the SPIN Correction request, that we did NOT initiate the SPIN Change. The service provider informed us on July 20, 2004 that we needed to request the SPIN change.

The web site goes on to explain that Corrective SPIN change requests must be postmarked or received no later than the last date to submit an invoice. In this case 120 days after the last date to receive service (6/30/2004) it was submitted on July 30, 2004, well within the 120 day limit.

On March 1, 2005, we filed an Operational SPIN Change request at the request of Sherry Wolford from the SLD. It was our belief that the Corrective SPIN request filed on July 20, 2004 should have resolved this problem. As stated on the SLD website referencing Operational SPIN Changes, the very first paragraph reads as follows:

An operational SPIN change may only be requested by the applicant. The SLD permits Operational SPIN changes when an applicant certifies that (1) the SPIN change is allowed under its state and local procurement rules, (2) the SPIN change is allowable under the terms of any contract 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.

We never changed service providers or had any intent to do so, which makes item (3) not applicable. If the name changed due to a merger or acquisition, it was beyond our control, and by no means a result of anything the library did. It did not make sense to us why an Operational SPIN Change request was necessary, but we did file one based on the

phone conversation Frank Matlock had with Sherry Wolford from the SLD on February 28, 2005.

In the Administrator's Decision on Appeal denial letter dated May 31, 2005, referencing our SPIN Correction Request filed on July 30, 2004, it sites the SLD e-mailed us on August 6, 2004, informing us that an Operational SPIN Change and the required Number 19 certification would be needed since the request involves a change of Service Provider name. ALL official correspondence between SLD and the Library has been done in hard copy through the US Mail. Why wasn't this spin correction denial handled in this way? Frank Matlock has been the main contact person for FVRL on various correspondence and forms relating to E-Rate issues with the SLD. On numerous occasions over the past few years, Frank has dealt with the SLD regarding every process of the E-rate program via e-mail, as well as telephone conversations. Frank Matlock never received an e-mail from the SLD in August 2004 regarding the SPIN Correction Request filed July 30, 2004.

The Administrator's decision went on to explain that our appeal did not present information that showed we were in compliance with the Copan Order. We have reviewed the Copan Order that states (1) the changes are allowed under state and local procurement rules and under the terms of the contract between the applicant and the service provider, and (2) the applicant has notified the original service provider of the intent to change. To state once again, FVRL did not initiate the change – we had not intention of changing service providers. We were notified by the service provider that they changed the SPIN number and their name. It seems grossly unfair that we will lose over \$50k in E-Rate funds because our service provider, the same one we have had since the service was established and continues to this day, decided to change its name or merge with another entity.

We feel that we have complied with the E-rate rules and guidelines governing the program. We appreciate your reviewing the SLD's decision regarding this SPIN change.

Please feel free to contact Frank Matlock, his contact information is listed on the first page of this letter, if you need any additional information or have questions regarding this appeal or any other E-rate related questions.

Thank you



Patty Duitman
Operations Director
Fort Vancouver Regional Library District.

Attachments: July 30, 2004 fax – SPIN Correction Request
March 1, 2005 fax – Operational SPIN Change Request
March 23, 2005 – Letter of Appeal (to the SLD)



**FORT VANCOUVER
REGIONAL LIBRARY DISTRICT**

1007 E. Mill Plain Blvd. ■ Vancouver, WA 98663

Date: July ³⁰~~29~~, 2004

To: Data Entry Corrections, Schools & Libraries Division

From: Patty Duitman

FAX: 973-599-6526

FAX TRANSMISSION • FAX 360-693-2681

3 page(s) are being sent to you (including this cover).

If your copy is not readable, please call (360) 906-2322. Thank You

Additional Comments:

Attachment #1



FORT VANCOUVER REGIONAL LIBRARY DISTRICT

Serving Clark, Skamania, Klickitat Counties and Woodland and Yale Precinct in Cowlitz County ▪ Bruce Ziegman, Executive Director

Data Entry Corrections
Schools & Libraries Division
Box 125- Correspondence Unit
800 S Jefferson Rd
Whippany, NJ 07981

SPIN CORRECTION REQUEST

Patty Duitman
Fort Vancouver Regional Library District
1007 E Mill Plain Blvd
Vancouver, WA 98663

To Whom It May Concern:

Our service provider of Broadband Ethernet (Data) services has notified us that the old spin number we have used to apply for erate discounts, needs to be changed. They did not explain why the number needed to be changed, but informed us we need to write a letter requesting the change. Please note that the Original SPIN number has been used since service began in 2002, without incident.

Name and Address	See Above
Funding Year	7/01/2003 thru 6/30/2004
471 Application Number	336487
Billed Entity Number	145368
FRN Numbers	916879, 916880, 916881, 916882, 916883, 916884 and 916885
Original Service Provider	TCI Network Solutions dba Comcast Institutional Networks
Original SPIN Number	143003835
Correct Service Provider	TCI Network Solutions dba Comcast Institutional Networks
Correct Spin Number	143025449

Thank You

Patty Duitman
Operations Director
Fort Vancouver Regional Library District
Phone: 360-695-1561
Fax: 360-693-2681
Email: pduitman@fvrl.org

Jul 30 2004 7:15am

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jul 30	7:15am	Fax Sent	919735996526	0:44	3	OK



**FORT VANCOUVER
REGIONAL LIBRARY DISTRICT**

1007 E. Mill Plain Blvd. ■ Vancouver, WA 98663

Date: March 1, 2005
To: ATTN: Operational SPIN Change
From: Nancy Colburn
FAX: 973-599-6526

FAX TRANSMISSION • FAX 906-2326

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Additional Comments:

Attachment # 2



FORT VANCOUVER REGIONAL LIBRARY DISTRICT

Serving Clark, Skamania, Klickitat Counties and Woodland and Yale Precinct in Cowlitz County • Bruce Ziegman, Executive Director

March 1, 2005

Operational SPIN Change
Schools and Libraries Division
Box 125 – Correspondence Unit
80 S. Jefferson Road
Whippany, NJ 07981

Re: OPERATIONAL SPIN CHANGE REQUEST

To Whom It May Concern:

On February 28th a representative from the SLD notified us about an operational SPIN change for one of our providers during the funding year 07/01/2003 – 06/30/2004. This operational SPIN change affects 7 Funding Request Numbers. Outlined below you will find the information needed to comply with this operational SPIN change request:

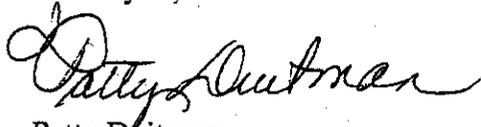
1. Billed Entity Number 145368
2. Applicant Name Fort Vancouver Regional Library
3. Funding Request Numbers 916879, 916880, 916881, 916882, 816883,
916884 & 916885
4. Form 471 Application Number 336487
5. Applicant Contact Patty Duitman
6. Applicant Phone (360-695-1561
7. Applicant E-Mail Address pduitman@fvrl.org
8. Original SPIN 143003835
9. Original Service Provider TCI Network Solutions, dba
AT&T Broadband Network Solutions
10. Original Service Provider Contact Deanna Nguyen
11. Original Service Provider Phone 503-605-6042
12. Original Service Provider E-Mail deanna_nguyen@cable.comcast.com
13. New SPIN 143025449
14. New Service Provider Comcast of Oregon Washington
15. New Service Provider Contact Deanna Nguyen
16. New Service Provider Phone 503-605-6042
17. New Service Provider E-Mail deanna_nguyen@cable.comcast.com

18a. Monthly Pre-Discount Amount for Original Service Provider	\$724.80
18b. Monthly Pre-Discount Amount for New Service Provider	\$724.80
18c. Effective Date of Change	07-01-2003
18d. Last Day of Service for New Service Provider	06-30-2004

The service provider was purchased by Comcast of Oregon Washington and notified us that the SPIN number was incorrect and needed to be changed, when they received our 472 (BEAR) form (18 months after the fact). We were unaware of any change in service provider or SPIN number until that time

If you have any questions or require any additional information, please let me know.

Thank you,



Patty Duitman
Operations Director
Fort Vancouver Regional Library District
1007 E Mill Plain Blvd.
Vancouver, WA 98663
Phone: 360-695-1561
E-Mail pduitman@fvrl.org

HP OfficeJet K Series K80
Personal Printer/Fax/Copier/Scanner

Log for

Mar 01 2005 4:22pm

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Mar 1	4:21pm	Fax Sent	919735996526	0:58	3	OK

been accepted. The Guidelines for the Corrective SPIN clearly state that a corrective SPIN change needs to be completed when (1) either the applicant or the SLD made a data entry error OR (2) a change occurred that was not initiated by the applicant. This change was initiated by the Service Provider NOT by us. It also gives examples of when to use Corrective SPIN changes. Numbers 2 and 3 both apply.

Number 2 States "The original service provider has merged with, or been acquired by, another company and the SPIN indicated on the FRN has changed." The name has changed to "Comcast of Oregon Washington" as listed on the SLD website under SPIN Search.

Number 3 States "Other instances when the SPIN indicated on the Form 471 changed when such change was not initiated by the applicant." I will state again, as I did above, and on the SPIN Correction request, that we did NOT initiate the SPIN Change. The service provider informed us on July 20, 2004 that we needed to request the SPIN change.

The web site goes on to explain that Corrective SPIN changes requests must be postmarked or received no later than the last date to submit an invoice. In this case 120 days after the last date to receive service (6/30/2004) it was submitted on July 30, 2004, well within the 120 day limit.

In closing, I would like to express again that we feel we have complied with the erate process, keeping in mind the deadlines for forms and other rules governing the program. We did not change the service provider, and if the name changed due to a merger or acquisition, it was beyond our control, and by no means a result of anything the library did. We feel we have complied with the deadlines required in the filing of the SPIN Correction request and believe our claim for discounts is valid.

Please feel free to contact Frank Matlock, his information is listed above, if you need any additional information or have questions regarding this appeal or any other erate related questions.

Thank you



Patty Durtman
Operations Director
Fort Vancouver Regional Library District.

Attachments: Original Spin Correction Request with fax cover and confirmation.
Operational Spin Change request with fax cover and confirmation.
Administrator's Decision on Spin Change