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

June 30, 2005

Mark Stevenson
Nexus Systems, Inc.
2904 Evangeline Street
Monroe, LA 71201

Re:	Applicant Name:	WINN PARISH SCHOOL DISTRICT
	Billed Entity Number:	139353
	Form 471 Application Number:	427753
	Funding Request Number(s):	1202868
	Your Correspondence Dated:	March 08, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1202868
Decision on Appeal: **Denied**
Explanation:

- On appeal, you argue that the SLD has erred in its decision that the applicant has not provided sufficient documentation to determine the eligibility of the services requested. You state that this application is a continuation of a contract that was previously approved by SLD. You further state that, as the service provider, you requested an explanation of the denial, but were informed that the SLD could only release information to the applicant. Therefore, you are unable to provide comprehensive responses to the denial of funding. As you are certain that this denial is based on an error in the interpretation of information previously presented, you ask the Administrator to review the information previously presented, or provide you the opportunity to clarify any information needed.

- Upon review of the appeal, the relevant facts, and documentation, it was determined that the applicant failed to include relevant Item 21 documentation with their Form 471 submission. The applicant was contacted during application review and asked to provide the Item 21 documentation for this funding request. The applicant's response consisted of a spreadsheet indicating that the requested services were "Wireless Internet Access with Bundle" at a cost of $8,561.00 per month. As this documentation was insufficient to determine the eligibility of the requested services, Jan Anyan (the authorized Form 471 contact) was contacted and asked to provide vendor documentation and components of the bundled services. Ms. Anyan requested, and was granted, several extensions to provide this documentation. The last extension expired September 27, 2004. On September 30, 2004, Ms. Anyan contacted SLD indicating that the requested documentation had been mailed the previous day. On November 5, 2004, Ms. Anyan was contacted and informed that the requested information had not been received. SLD did not receive a response to this request. Ms. Anyan was contacted on November 9, 2004, and again on November 19, 2004, and asked to provide this documentation. The SLD's records do not indicate receipt of this information, nor have you indicated that it has been provided. On appeal you have argued that the requested services are a continuation of a previously approved contract and that the information necessary to determine the eligibility of the requested services was available to the SLD. However, the applicant failed to inform the SLD of this information and failed to provide suitable documentation when contacted.

- During review of the Form 471, SLD sought additional information from the applicant and notified them that this information needed to be provided within 7 days. They did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that they provided was insufficient to complete the Form 471 application. Consequently, SLD denies your appeal.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 et. seq. To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. Id.; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," www.sl.universalservice.org/reference/deadline.asp This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.

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

You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

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

Schools and Libraries Division
Universal Service Administrative Company

cc: Jan Anyan