

System: 165.135.210.45 sec fax,sec, 4181087 --- Time Printed: 08-10-2005 16:37:59

From: 9287792623
Media: Fax 11 pages
Subject:
Status:
Received: 02:57 PM 08/10/05

DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED
AUG 10 2005
FCC - MAILROOM

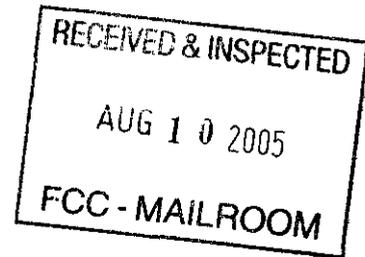
No. of Copies rec'd 0
List A B C D E

Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

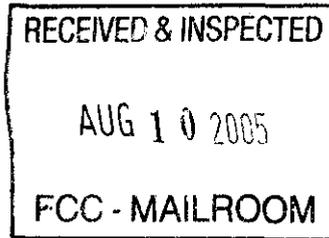
FAX : 202-418-0187.

RE: CC Docket No. 02-6

Paul Spitzer, Administrative Consultant
928 779 2623 voice & fax
tyrnbitr@npgcable.com
Developing Innovations in Navajo Education, Inc.
DINE Southwest High School
HC 63, Box 303
Winslow, AZ 86047



No. of Copies rec'd 0
List A B C D E



July 28, 2004

Appeal Request – Reference Docket No. 02-6

Letter of Appeal
FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Dear Sir or Madam:

Please let this letter serve as our request for an appeal to the USAC Administrators Denial of Funding letter dated June 30, 2005.

Form 471 Application Number: 398842
Billed Entity Number: 227613
Funding Request Numbers: 1090626, 1090633, 1090638, 1090641, 1090647, 1090651
Billed Entity: DINE Southwest High School
Funding Year 2004/2005

Decision on appeal letter of 6/30/2005 states:

During the PIA selective review process, SLD asked the authorized contact, Cynthia Begay, to provide a copy of the schools budget including , incomes, revenues and expenditures to determine that your sources of funding were secure and that you are capable of paying for your share of e-rate costs. Ms Begay did not submit a copy of the budget as requested.

Under the appeals guidelines, circumstance # 1 – the SLD has erred. We request full SLD funding for all the FRN's effected. We request acceptance by the FCC of our Selective review and all the documentation provided the SLD in May of 2004.

The denial of funding by the SLD is based on the fact that they state the original request for documentation in May of 2004 was not satisfied, so as a result the SLD continued their review again in October/November 2004. They state that additional information was not forthcoming within a 7 day period and extensions during the October/November timeframe, therefore the funding and the subsequent appeal were also denied. SLD stated that the primary concern for the review was an assurance from DINESWHS that the participants share would be available during the program period.

1 - After researching the current SLD website, we argue the SLD's position because we find no specific instructions or information regarding the selective review process, such as ; minimum required content during response, what additional information the billed entity may provide, minimum standards for selective review acceptance in order to meet minimum processing standards anywhere on the SLD website. The school did provide 46 pages of information as requested. Included in the materials provided were certified assurances for the participants share to be available for the program. The certifications were based upon the planning budget for the coming year, past budgets / actual operations, and no significant change to known anticipated program revenues.

2 - We also question the reasonableness of the SLD in requiring finalized Budget information at a time that is not available to any school in the State of Arizona. At the time of the original request , the school did provide the prior years budget information and stated the funding would be available from Impact Aid. It had been certified through the application process that the participant's share would be available. The certification was provided based upon the school's experience with its' overall operations and SLD during the last four to five years.

3 - We understand the question of budget is actually focused on the key issue of the school ability to pay it's matching share. This question was clearly answered in the memorandum signed and dated May 11,2004, the ledger sheet for 03/04 as well as other areas of the response. Once the information was provided we find it unreasonable that the same information is requested again and again resulting in delay after delay.

4 - We question why, if the original review was in May of 2004, and insufficient information was provided why the SLD would wait 5 to 6 months to continue the process again. Then, with receipt of the February, 2005, SLD letter, notification of denial and right of repeal, it is somewhat incongruous to put forth the right of appeal yet then respond to the appeal denying its' consideration for failure to respond within seven days to correspondence supposedly to have been received from SLD in October, 2004.

5 - School personnel were not aware of the follow up inquiry of Nov 2004 until new hard copy information was received in Feb 2005, at which time the final piece of additional information was sent (a finalized 2004/2005 budget). Again the same information with the same assurance was presented to SLD as had been almost a year earlier. If SLD does not recognize required certifications made on their own forms (471) then what purpose is served by their presence ?

Please see the pages are attached as;

- Exhibit -A - funding commitment report
- Exhibit - B - schools memorandum page
- Exhibit - C - schools original fax cover page
- Exhibit - D - State of Arizona -Dept of Education information page regarding budget forms
- Exhibit - E - Arizona Annual Financial Report Schoolwide Revenue
- Exhibit - F - Fax back page 1 with financial data

With these details, the appeal represents a request to receive the FCDL's for the total requested dollars.

Please understand that this situation is frustrating and somewhat perplexing for our organization. We respect and support SLD's responsibilities to maintain accountability and responsibility in the operation of the program however SLD's action in this matter is very damaging to our operation. The denial of our participation in the program means the costs associated with our technology program compound over time as expected revenues fall short in preceding years contributing to greater costs for current and anticipated operations. Given we have provided SLD with the information requested - first, with the budget worksheet from our proposed budget for the year, second, with a certified assurance from the school administrator along with forty plus pages of supporting documentation, third, providing the actual approved budget, in addition to the original certification required at time of application, it is suggested that if further assurance is still required audited financial records can be provided along with a certified statement from an independent accountant and / or auditor if needed attesting to our history in satisfying the participation requirements of the program over our past years of involvement. It is disconcerting to us that the E-rate program would be denied to students of the Navajo Nation who have such a clear and deserved need for the benefits it can provide which are not possible to provide otherwise.

Sincerely,



Paul Spitzer, Administrative Consultant
Developing Innovations in Navajo Education, Inc.
DINE Southwest High School
HC 63 Box 303
Winslow, AZ 86047-0303
(928) 657 3272 - voice and fax DINESWHS
(928) 779 2623 - voice and fax office
tymbiter@npgcable.com

FUNDING COMMITMENT REPORT

Form 471 Application Number: 398842
Funding Request Number: 1090626 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143002480 Service Provider Name: NAVAJO COMM CO
Contract Number: MTH
Billing Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$17,757.36
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$1,500.00
Pre-discount Amount: \$19,257.36
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

Funding Request Number: 1090633 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143001192 Service Provider Name: AT&T Corp.
Contract Number: T
Billing Account Number: 030 302 8219 001
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,245.28
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$3,245.28
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

Funding Request Number: 1090638 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143004238 Service Provider Name: Frontier Communication of Americ
Contract Number: T
Billing Account Number: 0050525696 7
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,574.28
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$1,574.28
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

Funding Request Number: 1090641 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143004238 Service Provider Name: Frontier Communication of Americ
Contract Number: T
Billing Account Number: 0050424108 7
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$2,687.76
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$2,687.76
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 398842
Funding Request Number: 1090647 Funding Status: Not Funded
Services Ordered: Internet Access SPIN: 143019785 Service Provider Name: Premise One, Inc.
Contract Number: md11304-dsw
Billing Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$15,750.01
Pre-discount Amount: \$15,750.01
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

Funding Request Number: 1090651 Funding Status: Not Funded
Services Ordered: Internal Connections SPIN: 143019785 Service Provider Name: Premise One, Inc.
Contract Number: MD11404-DSW
Billing Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Site Identifier: 227613
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$66,423.00
Pre-discount Amount: \$66,423.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Insufficient support resources
Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.



Dine Southwest High School

HC 63 Box 303 • WINSLOW, AZ 86047 • PHONE: 928-657-3272 • FAX: 928-657-3272

TO: Christopher Jarrett

Department: PIA / SLD Selective Review

Date Sent: 05/11/2004

Fax Number: 973-599-6515

Phone Number: 973-428-7359

Number of pages sent (including the cover sheet): 47 (TOTAL)

Entity Number: 398842
Entity Name: Dine Southwest High School
Form 471 Application # 398842

Contents in the fax:

- 1.) Fax back Page 4
- 2.) Item sheet # 25 Worksheet summary: Fax back page 1
- 3.) PO Number 161244 NAU Surplus
- 4.) PO Number 161231 CompassLearning Inc.
- 5.) Staples Ledger Sheet SY 03/04
- 6.) **MEMORANDUM:** Budget Line Item and AZ State Charter Forms Sheet with Note attached at bottom.
- 7.) Technology Implementation Level Worksheet
- 8.) Resource Plan: Fax Back Page 2 and the second page with answers to questionnaire.
- 9.) ERATE Implementation Description: Fax Back Page 3 and the second page with answers to questionnaire.
- 10.) **MEMORANDUM:** Vendor Selection
- 11.) Part1 Selective Review Competitive Bidding (2 pgs.)
- 12.) Dine Southwest Technology Plan (32 pgs.)

46 Total pages to be received at your office.

Please call if you do not receive all pages sent.

If you have any further questions please call back.

Send an eCard

Compose (Plain | Color and Graphics)

Send Save as a Draft Spell Check Cancel

Insert addresses or enter nicknames (separated by commas) New! Use Address AutoComplete

To: garrat@sl.universalservice.org

Cc:

Subject: RATE Selective Review Funding Year 2004

Attachments: [Attach Files]



We are sending the information back in fax form on May 11, 2004 at 6:00 PM DST.

If you need further information please contact us immediately. 928 657-3272.

Thank you for your assistance.

Sincerely Cynthia Begay, Administrative Assistant

School's Email: dine_warriors@frontier.net

Use my signature

Options: Save a copy in your Sent Items folder

Send money using Yahoo! PayDirect from HSBC: \$_____ [Here](#)



Diné Southwest High School

HC 63 BOX 303 • WINSLOW, AZ 86047 • PHONE: 928-657-3272 • FAX: 928-657-3272

MEMORANDUM

TO: Christopher Jarrett, SLD Selective Review Officer

FROM: Leo T. Gishie, DSHS Administrator

DATE: May 11, 2004

SUBJECT: Budget Line item and budget page

This is to verify that the 10% of E-Rate cost have been paid out Impact Aid funds for the SY 2003 and that we are planning to pay our share again this year. The specified amount of our share for E-Rate Funding Year 7; we anticipate to meet the 10% share of \$10,893.78. We will be able to meet match through Impact Aid funds.

The State of Arizona Financial Aid Department has not released the Proposed Budget forms for SY 2004/2005. See attached downloaded sheet from ADE. We will submit a sample copy of proposed budget for the SY 2004/2005 using the budget forms for 2003/2004. We will submit a courtesy copy the adopted budget for SY 2004/2005 when it becomes available online and is submitted to the Arizona Department of Education School Finance Department.

Should there be any questions or need additional information contact me at 928-657-3272.

Your cooperation is appreciated.

CC: Files

Charter School Forms

Page 1 of 1



State of Arizona Office of the Auditor General

Home

Charter School Forms

Find By Category

- About Us
- Reports & Publications
- Careers
- Links
- Contact Us

Fiscal Year 2004-05 Annual Budget – These forms are not yet available, but will be posted once the revision process is complete. See our [Charter School FAQ's](#) for additional information.

Fiscal Year 2003-04 Annual Budget (184k)—These budget forms and work sheets are in MS Excel format for Arizona charter schools to use in preparing a budget. Once this self-extracting zip file (csbud04.exe) has been downloaded, simply double click on the file. It will self-extract 3 Excel files and 1 Word file to C:\CSFORMS\.

Fiscal Year 2002-03 Annual Financial Report forms (193k)—These report forms are in Excel for Arizona charter schools to use in preparing an annual financial report, including School-by-School, as required by statute. Once this self-extracting zip file (CSAFR03.exe) has been downloaded, double click on it. Four Excel files and two Word files will be placed in C:\CSFORMS\. See [USFRCS Memorandum No. 48](#) (Acrobat Reader required) for instructions on completing the report.

Home | About Us | Publications | Careers | Links | Contact Us | Privacy Statement | Webmaster

Copyright 2003 State of Arizona Office of the Auditor General, All Rights Reserved.

5-11-04

The budget for 04/05 school operation will be forth coming 5-12-04 and if need more time, will for sure be fixed by 5-13-04 at the latest. Your understanding is appreciated. Any questions call 928-657-3272

[Handwritten Signature]

CHARTER SCHOOL DINE Southwest High School

COUNTY Navajo

CTDS NUMBER 098651000

SCHOOLWIDE REVENUE

1000 Local Sources

- 1. 1420 Transportation Fees from Other Arizona Schools or Districts
- 2. 1500 Earnings on Investments
- 3. 1600 Food Service Sales
- 4. 1700 Activities
- 5. 1940 Revenue from Sponsoring School District
- 6. Other Revenue from Local Sources (specify) _____
- 7. Subtotal (lines 1-6) _____

ACTUAL

	1.
	2.
	3.
	4.
	5.
	6.
0	7.

2000 Intermediate Sources

- 8. 2100 Unrestricted Grants-in-Aid
- 9. 2200 Restricted Grants-in-Aid
- 10. 2900 Revenue for/on Behalf of the School
- 11. Other Revenue from Intermediate Sources (specify) _____
- 12. Subtotal (lines 8-11) _____

	8.
	9.
	10.
	11.
0	12.

3000 State Sources

- 13. 3110 State Equalization Assistance
- 14. 3130-3150 Other Unrestricted Grants-in-Aid
- 15. 3200 Restricted Grants-in-Aid
- 16. Other Revenue from State Sources (specify) Classroom Site Project
- 17. Subtotal (lines 13-16) _____

142,283	13.
	14.
	15.
8,254	16.
150,537	17.

4000 Federal Sources

- 18. 4100, 4300 Grants-in-Aid Received Directly from the Federal Government
- 19. 4200, 4500 Grants-in-Aid Received from the Federal Government through the State
- 20. 4700 Grants-in-Aid from the Federal Government through Other Intermediate Agencies
- 21. 4900 Revenue for/on Behalf of the School
- 22. Other Revenue from Federal Sources (specify) Impact Aid
- 23. Subtotal (lines 18-22) _____

	18.
	19.
	20.
	21.
90,780	22.
90,780	23.

24. TOTAL REVENUE FROM ALL SOURCES (lines 7, 12, 17, and 23)

241,317	24.
---------	-----

ITEM 25 WORKSHEET SUMMARY: FAX BACK PAGE 1

Item 25 Worksheet Summary Funding Year 2003 Funding Year 2004
Please Add Subtotals of Sections I through VI (07/01/03-06/30/04) (07/01/04-06/30/05)
Section I: Connectivity

I-A. Commitment Amount Requested	
• Telecom	\$6,756.58
• Internet Access	\$31,806.63
• Internal Connections	\$59,782.70
Total of Funding Requests (I-A)	\$98,043.91
I-B. Form 471 Applicant's Share	
• Telecom	\$750.74
• Internet Access	\$3,500.74
• Internal Connections	\$6,542.30
Total of Applicant Share (I-B)	\$10,853.78
I-C. Amounts not covered by E-Rate	
• Telecom	\$ 0
• Internet Access	\$ 0
• Internal Connections	\$ 0
Total of Amounts Not Covered (I-C)	\$ 0
Total Connectivity (I-A + I-B + I-C)	\$ 0

3. office
7+6+2
+comfor

Section II: Hardware			
II-A. Number of Computers Connected	13a. # 7	13b. # 16	
II-B. Number of Servers Connected	14a. # 3	14b. # 3	
II-C. Number of Data/Voice Drops Installed	15a. # 12	15b. # 24	
II-D. Applicant Expenditure	16a. \$ 1560	16b. \$ 2000	* - Budget
II-E. Contribution / In-Kind Donations	17a. \$ 0	17b. \$ 0	
Total Hardware (II-D + II-E)	18a. \$ 1560	18b. \$ 2000	

Section III: Professional Development			
III-A. Staff Training Hours (Total 100%):			
0-5 Hrs. %	5-15 Hrs. %	15-25 Hrs. 50%	25-50 Hrs. 50%
III-B. Applicant Expenditure			
20a. \$ 3075	20b. \$ 2940	* - Compress	
III-C. Contribution / In-Kind Donations			
21a. \$ 0	21b. \$ 0		
Total Professional Development (III-B + III-C)	22a. \$ 3075	22b. \$ 2940	

Section IV: Software			
IV-A. Applicant Expenditure			
23a. \$ 0	23b. \$ 0		
IV-B. Contribution / In-Kind Donations			
24a. \$ 0	24b. \$ 0		
Total Software (IV-A + IV-B)	25a. \$ 0	25b. \$ 0	

Section V: Retrofitting			
V-A. Applicant Expenditure			
26a. \$ 0	26b. \$ 0		
V-B. Contribution / In-Kind Donations			
27a. \$ 0	27b. \$ 0		
Total Retrofitting (V-A + V-B)	28a. \$ 0	28b. \$ 0	

Section VI: Maintenance			
VI-A. Applicant Expenditure			
29a. \$ 5800	29b. \$ 2000	* - LEADER	
VI-B. Contribution / In-Kind Donations			
30a. \$ 0	30b. \$ 0		
Total Maintenance (VI-A + VI-B)	31a. \$ 5800	31b. \$ 2000	
Total of E-Rate Initiative (Total of Section I to VI)	32a. \$ 10,435	32b. \$ 115,877.69	

Technology Implementation Level (Enter Number of schools/libraries at each level from worksheet)
 Level 1 current: [] Level 2 current: [] Level 3 current: [] Level 4 current: []
 Level 1 by 6/30/03: [] Level 2 by 6/30/03: [] Level 3 by 6/30/03: [] Level 4 by 6/30/03: []
 For Consortium applicants choosing to provide a response on a disaggregated basis:
 Block 4 Entry Name: _____ Entity Number: _____
 Item 25 Worksheet Summary page: _____ of _____

Universal Service Administrative Company
Schools and Libraries Division

Selective Review
Instructions and Worksheet - Page 13

PAUL
SATZ ER

928 779 2623