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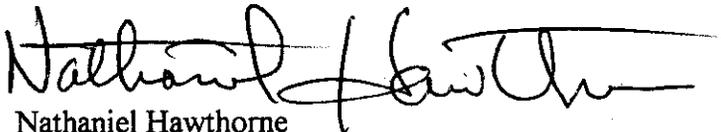
Appeal, and request for Expedited Relief, to the Federal Communications
Commission on behalf of Hancock County School District

September 15, 2005

Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A204B
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.
Please time stamp the extra copy and return it to me in the enclosed self addressed-
stamped envelope.



Nathaniel Hawthorne
Attorney for Hancock County School District

Enclosures

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

**In the Matter of the)
)
Appeal of the Decision of the)
)
Universal Service Administrator by)
the)
)
Hancock County School District)
)
)
)
Federal-State Joint Board on)
Universal Service)
Changes to the Board of Directors of)
The National Exchange Carrier)
Association, Inc.)**

File No. SLD -

CC Docket No. 96 - 45

CC Docket No. 97 - 21 ✓

**Appeal
and
Request for Expedited Relief
on behalf of the
Hancock County School District**

September 15, 2005

**Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554**

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

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(1) Funding Commitment Decision Letter Appealed

| | |
|--------------------------------|-----------------------|
| Form 471 Application Number: | 459271 |
| Funding Year 2005: | 07/01/2005-06/30/2006 |
| Billed Entity Number: | 126720 |
| Date of Funding Denial Notice: | September 8, 2005 |
| Date of Appeal: | September 15, 2005 |

(2) SLD Contact Information

- (a) Linda Alexander
27600 Chagrin Blvd., Ste 260
Cleveland, OH 44122
Tel. (216) 682.0169
Fax. (216) 514.3337
- (b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)
27600 Chagrin Blvd., Ste 265
Cleveland, OH 44122
Tel. (216) 514.4798

(3) Funding Request Numbers Appealed

FRN -1330453

(4) SLD's Reason for Funding Denial of FRN -1330453

“This FRN is a request for a Telecommunications Service from a carrier that does not provide telecommunications on a common carriage basis.”

- (5) There is no Federal Communications Requirement that “paging service” be provided by a telecommunications carrier on a common carriage basis.**

a) Luttamus Communications, Inc., (Luttamus) the vendor, is a reseller of paging service. "Resellers offer service to consumers by purchasing airtime at wholesale rates from facilities-based providers and reselling it at retail prices. The Commission (FCC) does not actively regulate the resale of such services, only mandates that it be allowed to occur." Therefore, resellers, especially resellers of paging service, do not have to be common carriers that resell on a "common carriage basis."

<http://wireless.fcc.gov/services/paging/operations/resale.html>

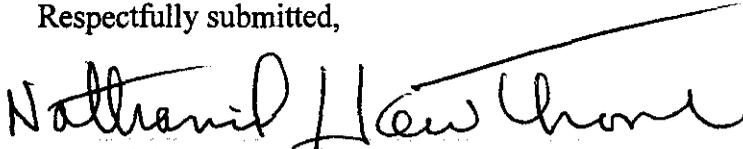
b) This means that there is no requirement that Luttamus provide telecommunications service on a common carriage basis.

Hancock is Requesting the Following Action by the FCC:

(a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, FRN -1330453

(b) Set aside funds to totally fund Hancock's request.

Respectfully submitted,


Nathaniel Hawthorne

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