

**FUNDING YEAR 2005 FORM 471
APPEAL TO FCC
REQUEST FOR REVIEW**

November 21st, 2005

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

Re: CC Docket No. 02-6
Applicant Name: LAPORTE SCHOOL DISTRICT 306
Billed Entity Number: 133952
Form 471 Application Number: 487654
Funding Request Numbers: 1352734, 1352735, 1352736
Your Correspondence Dated: September 22nd, 2005

Dear Sirs:

I am filing this letter as a Request for Review to the FCC after a denial of appeal to the SLD. After reading the Administrator's Decision on Appeal from the SLD, I do not believe that the issues raised in our appeal letter were properly addressed and considered, and request that the FCC reconsider this issue.

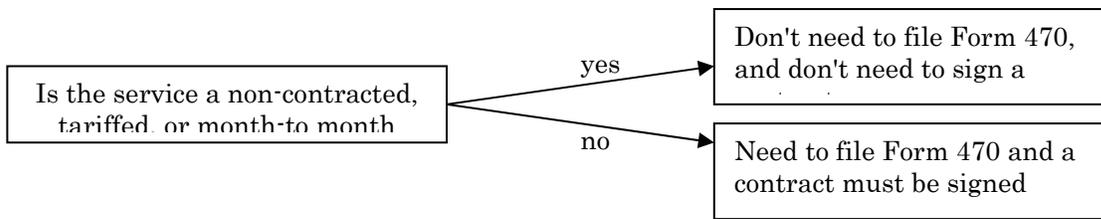
As previously discussed through the appeal process, I was unable to meet the filing deadline for Form 471 for FY 04-05. I never had any intention of missing the deadline, nor was our school ever planning to pass on the opportunity to obtain eRate funding to help our district recover from its anticipated Statutory Operating Debt status. The order and timing of our filing, **consequentially due to a poorly worded clause in the Form 471 Filing Instructions found on the SLD Website**, was the root cause of our district failing to meet the Form 471 filing deadline. Let me again reiterate these events.

The previous technology coordinator had informed me in the fall of 2004 that Form 471 was the form to file to apply for eRate discounts and reimbursements. Reading the directions thoroughly for Form 471, I came across this one statement in the directions:

"A Form 470 must be posted **for at least 28 days** and a **contract must be signed by the applicant and service provider** for all services, except non-contracted tariffed or month-to-month services, before submitting a completed Form 471 to the SLD."

"FCC Form 471 Instructions – November, 2004", Section II, sub-section B, para. 1, pg. 4

Analyzing the grammatical structure of the sentence, I understood it to mean:



At the time of reading the directions, the only services which we planned to request funding for were month-to-month, non-contracted services, so I concluded that our district did not need to file a Form 470 for the services which we intended to file for discounts.

Later, while calling the Universal Service helpline for assistance in filing the Form 471, I was informed that a Form 470 was required for each service I was requesting funding for on the Form 471. When I tried to explain my understanding of the directions to the helpline personnel as posted on the website, **it took a manager** to explain that the previously mentioned clause in the directions is only an exception to the statement, "A contract must be signed by the applicant and service provider for all services," rather than to the compound statement, "A Form 470 must be posted for at least 28 days and a contract must be signed by the applicant and service provider for all services." I truly do not see any clear grammatical indicators in the directions that indicate this, as I have stated in our appeal to the SLD. Had the SLD wished to clearly define the meaning of this sentence in the way they intended, it would make the most sense to divide the sentence apart at the conjunction "and" as follows: " A Form 470 must be posted for at least 28 days **prior to filing form 471. In addition,** a contract must be signed by the applicant and service provider for all services, except non-contracted tariffed or month-to-month services, before submitting a completed Form 471 to the SLD."

As soon as I was informed of the mistake I had made, I promptly filed Form 470 for all services our district intended to obtain funding for. Because I had not begun work on the Form 471 until the last week of January, the mandatory 28-day waiting period for filing the Form 470s extended beyond the Form 471 filing window. Despite this, I made the filing corrections in effort to demonstrate that we had every intention of filing everything necessary and proper to get funding. The SLD denied our appeal primarily on the grounds that we filed late, without **any** consideration **or** refute to the point raised about the confusing directions. I believe this subject needs to be reconsidered. Our district is merely trying to be compensated for its telecommunication lines and internet service. I made every effort and used every understanding of the filing process to, **in good faith,** apply for eRate discounts for our district. If you still cannot find just reason for accepting our appeal, I at least wish to request that the directions be amended to be more understandable for other districts in the future.

Thank you for considering our districts appeal.

Sincerely,

Stephen Lien
Technology Coordinator
Laporte School District, Laporte, MN