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March 6, 2006

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Request for Review Regarding Letter of Appeal – (CC Docket No. 02-6)

To Whom It May Concern:

I'm requesting an appeal to the USAC Administrator's Decision on Appeal for funding year 2005 (see attached).

Applicant: University Academy
Form 471: 486829
Billed Entity Number: 231388
Applicant Form ID: ESABUA-05-VOIP

The denial reason for this application initially was due to "insufficient documentation". USAC claims that I did not respond to PIA's request for additional information. PIA attempted to reach me during the summer months when I was unable to collect the information necessary to respond to their request. During this time I faxed in a request for the application to be "differed".

USAC states on their denial of the appeal that they did not receive my request though I have fax confirmation that shows that it was received. I attempted to reach the PIA representative that was handling my application after I had sent my request for deferment. Unfortunately I was unable to reach them.

I am requesting that this decision be reviewed and overturned on the grounds that an attempt was made to have this application differed. The information I had available lead me to believe it had been differed in accordance to the procedures of the review process.

Furthermore I believe that the PIA representative that initially reviewed my 471 applications filed did a poor job documenting their work which lead to this denial. I was forced to file an appeal for application 486871 (which is not intended to be a part of this appeal) which was initially denied. The appeal was awarded because the PIA representative never attempted to contact me regarding the application.

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List A B C D E

During the review of my appeal I was contacted by Jessica Olsen at PIA and provided all the information originally a part of the PIA review within a timely manner. To the best of my knowledge USAC and the SLD currently have all the information they require to approve this application as provided by my office.

Please see my attached original letter and their response. Contact me if you have any questions or require any additional documentation.

Sincerely,

Aaron Butell
E-Rate Contact
785-840-0100 ext 101

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

January 12, 2006

Aaron Butell
eRate Solutions, L.L.C.
P.O. Box 1426
Lawrence, KS 66044

Re:	Applicant Name:	UNIVERSITY ACADEMY
	Billed Entity Number:	231388
	Form 471 Application Number:	486829
	Funding Request Number(s):	1350834
	Your Correspondence Dated:	August 26, 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 2005 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): 1350834
Decision on Appeal: **Denied**
Explanation:

- In your appeal letter, you state that you sent a fax request on May 17, 2005 to PIA requesting to defer your application due to the availability of the school's staff. You also state that you attempted to contact PIA via phone to confirm the receipt of the request but were unable to reach her. You close your appeal by requesting that your application be re-opened so that you may provide additional documentation required by PIA.

- Upon thorough review of the appeal its relevant supporting documentation, the SLD could find no evidence that you responded to PIA's inquires. Your appeal included a copy of a fax dated May 17, 2005 that you sent to PIA requesting a deferment. During the appeal review you provided a copy of the fax log for May 17, which indicates that the fax was sent successfully. After further investigation

and review of SLD's fax archives, there is no evidence that SLD received faxes from your fax number on the dates stated in your appeal letter. Therefore, SLD supports PIA's initial decision.

- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that you provided was insufficient to complete your 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 canceled, 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: Pat Henley

August 26, 2005

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Letter of Appeal – Funding Year 2005

To Whom It May Concern:

Applicant: University Academy
Form 471: 486799 & 486829
Billed Entity Number: 231388

The 471 Application in question was under review in PIA by Representative Marjory Shaban. After speaking to her on Thursday May 17, 2005 she suggested I requested for this application to be "differed". At the time I was unable to collect the information by the expiration of the 7 day window allowed due to availability of the school's staff.

After I had faxed him my request I attempted to contact her via phone to confirm his receipt of this request but was unable to reach her. I have attached a copy of my original written request for this application to be Differed and am asking to re-open this application so I may provide the remaining additional documentation required by PIA.

Please contact me once this letter is received so that I may Fax over the necessary paperwork.

Sincerely,

Aaron Butell
E-rate Contact
785-840-0100 ext. 101