

System: 165.135.210.45 sec fax,sec, 4181087 --- Time Printed: 04-19-2006 09:54:14

From: 6263073232  
Media: Fax 9 pages  
Subject:  
Status:  
Received: 07:57 PM 04/17/06

DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED  
APR 17 2006  
FCC - MAILROOM

No. of Copies rec'd 0  
List ABCDE



# GARVEY SCHOOL DISTRICT

DEPARTMENT OF BUSINESS SERVICES  
2730 North Del Mar Avenue, Rosemead, CA 91770  
Phone: (626) 307-3404 Fax: (626) 307-3232

# FAX

RECEIVED & INSPECTED  
APR 17 2006  
FCC - MAILROOM

To: FCC From: Michael Coughlin  
 Fax: (202) 418-0187 Date: 4-17-06  
 Phone: \_\_\_\_\_ Pages: 9, including cover  
 Re: Appeal of USAC decision CC: \_\_\_\_\_

Urgent  For Review  Please Comment  Original Mailed  Original Not Mailed

**\*MESSAGE:**



# GARVEY SCHOOL DISTRICT

2730 North Del Mar Avenue, Rosemead, CA 91770  
(626) 307-3404 FAX (626) 307-3232  
Michael Coughlin, Assistant Superintendent, Business Services

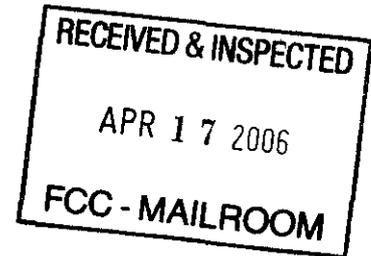
## BOARD OF EDUCATION

Felipe Agredano  
Bob Bruesch  
Irene Flores  
Henry Lo  
John Yuen

SUPERINTENDENT  
Virginia Peterson

April 17, 2006

VIA FACSIMILE (202) 418-0187  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554



Re: CC Docket No.: 02-6

Dear Sir/Madam:

I am writing to appeal the rejection by USAC of the District's original appeal to deny our Forms 471 application for e-rate funding because the requests were submitted after the closing date of the 2005-06 filing window.

As stated in my January 25, 2006 letter to USAC, the sole reason our Forms 471 were filed after the deadline was the death of our Director of Technology, Sharon Sharp, on February 19, 2005. Ms. Sharp was the district employee responsible for completing e-rate applications.

The letter to USAC also indicated that the District had filed 471 forms for cellular and POTS services only, which was a significant reduction from the firewall, file server, 2 routers and 2 file server operating systems additionally requested in the form 470 filed in December 2004. This was done to indicate the District's willingness to seek a mutually acceptable solution with USAC. Unfortunately, USAC did not address any of the above items in its rejection letters, choosing only to point out that the 471 forms were filed after the deadline. This fact was not being disputed by the District; in fact, I acknowledged it in my letter.

Based on the benefits the Garvey School District has received from the e-rate program since 1998, it would be disappointing if your agency does not grant our appeal based on the extenuating circumstances I have described. A denied appeal would result in a significant financial hardship to a district that qualifies for the maximum e-rate discount.

///  
///  
///

Letter of Appeal  
FCC  
April 17, 2006

I have enclosed a copy of my January 25, 2006 letter, as well as USAC's denial letters. If you require any additional information, please do not hesitate to call or fax me at the above numbers. My e-mail address is: [coughlin@garvey.k12.ca.us](mailto:coughlin@garvey.k12.ca.us). Thank you for your consideration of our appeal.

Sincerely,



Michael Coughlin  
Assistant Superintendent, Business Services

cc: SBC  
Nextel

enclosures



# GARVEY SCHOOL DISTRICT

2730 North Del Mar Avenue, Rosemead, CA 91770  
(626) 307-3404 FAX (626) 307-3232  
Michael Coughlin, Assistant Superintendent, Business Services

## BOARD OF EDUCATION

Felipe Agredano  
Bob Brusch  
Irene Flores  
Henry Lu  
John Yuen

**SUPERINTENDENT**  
Virginia Peterson

January 25, 2006

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

Re: Applicant's Form Identifiers: CELL 05-06 & POTS-YR8  
Form 471 Application Numbers: 492144 & 492103  
Entity Number: 143605



Dear Sir/Madam:

I am writing to appeal the decision stated in your letters dated November 29, 2005, in which the district's Forms 471 application for e-rate funding was denied because our requests were submitted after the closing date of the 2005-06 filing window.

The sole reason our Forms 471 were filed after the deadline was the death of our Director of Technology, Sharon Sharp, on February 19, 2005. Ms. Sharp was the district employee responsible for completing e-rate applications. The form 470 was filed by Ms. Sharp on December 16, 2004. Shortly thereafter, she was diagnosed with cancer; her last day of work was January 5, 2005. Having started my position with the district on September 1, 2004, I was not yet aware of the requirements and deadlines regarding the e-rate process.

The Form 470 filed in December 2004 included a request for a firewall, file server, 2 routers and 2 file server operating systems, in addition to cellular and POTS services. However, the district has reduced its 471 requests to cellular and POTS services.

The Garvey School District has been an active participant in the e-rate process since 1998. Our Form 470 for 2006-07 has already been filed. The circumstances surrounding the late filing of the Forms 471 are clearly an aberration. Denial of our appeal would impose a significant financial hardship in a district that qualifies for the maximum discount.

///  
///  
///

Letter of Appeal  
SLD  
January 25, 2006

I have enclosed a copy of Ms. Sharp's absence reports and death certificate for your reference. If you require any additional information, please do not hesitate to call or fax me at the above numbers. My e-mail address is: [coughlin@garvey.k12.ca.us](mailto:coughlin@garvey.k12.ca.us). Thank you for your consideration of our appeal.

Sincerely,



Michael Coughlin  
Assistant Superintendent, Business Services

cc: SBC Corp.  
Nextel

enclosures



**Universal Service Administrative Company**  
Schools & Libraries Division

---

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

February 17, 2006

Michael Coughlin  
Garvey School District  
2730 North Del Mar Avenue  
Rosemead, CA 91770

Re: Applicant Name: GARVEY ELEM SCHOOL DISTRICT  
Billed Entity Number: 143605  
Form 471 Application Number: 492103  
Funding Request Number(s): 1360226, 1360270, 1360271  
Your Correspondence Dated: January 25, 2006

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 Form 471 Postmarked Outside of Window 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): 1360226, 1360270, 1360271  
Decision on Appeal: Denied  
Explanation:

- On appeal, you seek reversal of SLD's decision that your Form 471 Application was postmarked outside the Funding Year 2005 filing window. In support of your request, you state that the application was filed after the deadline due to circumstances beyond your control. You also state that at the time you started your position at the district, you were not aware of the E-rate program's requirements and deadlines.
- Upon thorough review of the appeal letter and the relevant facts, it is determined that the Form 471 application was completed online on November 21, 2005, which is outside the filing window for Funding Year 2005. Program rules require the completed Form 471 and its certification to be received by the SLD postmarked no later than 11:59 p.m. EST on February 18, 2005, in order to be

CONSIDERED AS RECEIVED WITHIN THE FUNDING YEAR 2005 WINDOW. IT IS THE responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- SLD denied your appeal because it determined that your Form 471 Application was not postmarked on or before the close of the filing window on February 18, 2005. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the Form 471 Application was postmarked on or before February 18, 2005. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002).* This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

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



**Universal Service Administrative Company**  
Schools & Libraries Division

---

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

February 17, 2006

Michael Coughlin  
Garvey School District  
2730 North Del Mar Avenue  
Rosemead, CA 91770

Re: Applicant Name: GARVEY ELEM SCHOOL DISTRICT  
Billed Entity Number: 143605  
Form 471 Application Number: 492144  
Funding Request Number(s): 1360272  
Your Correspondence Dated: January 25, 2006

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 Form 471 Postmarked Outside of Window 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): 1360272  
Decision on Appeal: **Denied**  
Explanation:

- On appeal, you seek reversal of SLD's decision that your Form 471 Application was postmarked outside the Funding Year 2005 filing window. In support of your request, you state that the application was filed after the deadline due to circumstances beyond your control. You also state that at the time you started your position at the district, you were not aware of the E-rate program's requirements and deadlines.
- Upon thorough review of the appeal letter and the relevant facts, it is determined that the Form 471 application was completed online on November 21, 2005, which is outside the filing window for Funding Year 2005. Program rules require the completed Form 471 and its certification to be received by the SLD postmarked no later than 11:59 p.m. EST on February 18, 2005, in order to be

responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- SLD denied your appeal because it determined that your Form 471 Application was not postmarked on or before the close of the filing window on February 18, 2005. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the Form 471 Application was postmarked on or before February 18, 2005. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et . al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002).* This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

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