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

May 16, 2006

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

Nathaniel Hawthorne
Attorney for Pleasants County School District

Enclosures

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List A B C D E

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

In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
the)	
)	
Pleasants County School District)	
)	
)	
)	CC Docket No. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

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

May 16, 2006

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.

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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.

(1) Funding Commitment Decision Letter Appealed

Form 471 Application Number:	515003
Funding Year 2005:	07/01/2006-06/30/2007
Billed Entity Number:	126738
Date of Funding Denial Notice:	April 26, 2006
Date of Appeal:	May 16, 2006

(2) SLD Contact Information

- (a) Currie A. Sutton
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 -1457341

(4) SLD's Reason for Funding Denial of FRN -1457341

“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 “cellular service” be provided by a telecommunications carrier on a common carriage basis.**

a) Lyle and Melissa Bartlett dba Missy's Cellular, the vendor, is a reseller of cellular 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 cellular service, do not have to be common carriers that resell on a "common carriage basis."

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

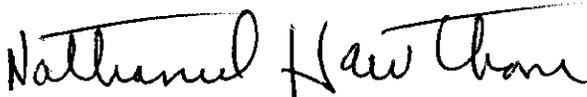
b) This means that there is no requirement that Lyle and Melissa Bartlett provide telecommunications service on a common carriage basis.

Pleasants 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 515003, FRN -1457341

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

Respectfully submitted,



Nathaniel Hawthorne

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