

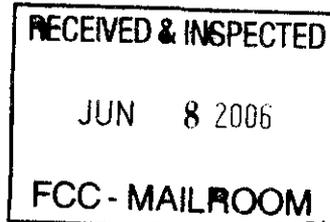


BONITA UNIFIED SCHOOL DISTRICT

115 West Allen Avenue San Dimas, California 91773 (909) 971-8200 Fax (909) 971-8329

Superintendent
Robert C. Otto, Ed.D.

Assistant Superintendents
Kathryn Schneider, Ed.D. – Educational Services
William Brinegar, Ed.D. – Human Resources Development
Ann Sparks – Business Services



Board of Education
Chuck Coyne
Glenn Creiman
Jim Elliot
Patti Latourelle

DOCKET FILE COPY ORIGINAL

May 26, 2006

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

Re: CC Docket No. 02-6 Letter of Appeal to USAC SLD (E-Rate Program)

Dear Office of the Secretary:

Enclosed is a copy of a Letter of Appeal that the Bonita Unified School District (San Dimas, California) has submitted to the Universal Service Administrative Company (USAC) Schools & Libraries Division (SLC).

On May 11, 2006 the Bonita USD received a letter from the USAC SLD informing us that our FY 2006 E-Rate Form 471 was "postmarked outside of window . . . Your Form 471 certification was postmarked on 2/17/2006 which is after the 2006-2007 filing window closed at 11:59 pm EST on Thursday, February 16, 2006." This decision put in jeopardy the \$119,000 in telecommunications funding that we applied for and rely on to help provide the technology education tools our students need to adequately prepare for the future.

We were shocked and dismayed at this decision. As our Letter of Appeal explains, we had been in continual communication with USAC SLD technical help providers throughout the E-Rate Form 470 and Form 471 application process to make we did everything correctly. Even though we've been an E-Rate applicant since 1999, the process is so convoluted, that we are continually on guard to make sure we don't miss this or that form submission deadline. (A check of the record will show our many phone calls to the SLD). In addition, we were told by one of the USAC technical help people that we spoke to that, in following the same procedure for submission of the Form 471 certification page that used for submission of the 470 submission page, we would be in compliance with the procedures. This turned out not to be true, and we found ourselves one day outside the window.

We agree with a recent finding of the FCC that hundreds of denials in E-Rate funding have been "due to certain clerical or ministerial errors in the application, *i.e.*, a failure to timely file an FCC Form 471, a failure to timely file a certification related to an FCC Form 470, or a failure to comply with minimum processing standards . . . clearly, these cases are not about waste, fraud or abuse. These are about limited . . . relatively minor ministerial errors."

The Bonita Unified School District is an equal opportunity employer and does not discriminate on the basis of race, sex, or religion by law.

List A B C D E

In our case, we filed both the 470 and 471 on time; we were merely a day late (because of receiving bad information from USAC SLD or misunderstanding the information) on the 471 certification page only—the page that prints out after the 471 is submitted online, and which the district superintendent then signs. We were not late in filing the 471.

Anything that can be done to help restore this important funding to our school district, which helps provide the technology tools our students need to prepare for college and career, would be most gratefully appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "David Saffan", followed by a horizontal line.

David Saffan
Bonita Unified School District



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May 22, 2006

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

Dear USAC Correspondence Unit:

This is a letter of appeal regarding the “Funding Year 2006 Form 471 Postmarked Outside of Window Letter” dated May 11, 2006.

Appellant Name: David Saffan
Applicant Name: Bonita Unified School District
Entity Number: 143606
Application Number: 508543

The Bonita Unified School District received a “Funding Year 2006 Form 471 Postmarked Outside of Window Letter,” dated May 11, 2006, that stated “Your Form 471 certification was postmarked on 02/17/2006, which is AFTER the 2006-2007 filing window closed at 11:59 p.m. EST on Thursday, February 16, 2006.”

We were shocked and dismayed at this finding. Throughout both the 470 and 471 application process, we had continually been in contact with USAC technical help, checking that we were doing this correctly every step of the way. The E-Rate program’s myriad deadlines and forms, with the deadlines of one year’s submission running into another year’s submission, make it difficult to keep on top of the process. Thus we were continually checking with the USAC helpline to make sure we made no mistakes. We were specifically told at one point (because we double-checked) that when we submitted Form 471 online, we could follow up with the signed certification the following day and we would be in compliance with the program rules. This made sense to us, since this is in fact the way we submit the 470: submit online and follow with the certification page the next day. We submitted the 471 before the deadline, the certification page was printed out and signed, and we sent it off. Then we were hit with this decision that the certification letter (not the Form 471) was outside the window by one day, meaning that would likely lose over \$119,000 in telecommunications funding, which our district and our students urgently need.

This seems to us grossly unfair and far from the spirit of serving the public interest. There is no question of any waste, fraud, abuse, misuse of funds, or failure to adhere to core program requirements. This is simply a case of a school district trying to follow as best as possible (and in good faith) the E-Rate program's extensive rules and deadlines, and by a combination of faulty information by a USAC technician (or perhaps the technician didn't understand what we were asking) and misunderstanding the rules surrounding one of the deadline requirements, being denied funding that Congress intended it should have when it created the E-Rate program. It's certainly not hard to see how an applicant can feel it has abided by the rules for submitting the 471 certification page by following the same process that it followed when submitting the 470 certification page.

We are extremely disappointed in this decision. The E-Rate program is supposed to help districts such as ours provide the educational technology tools that will help prepare our students for the future. Instead the program seems to have become a contest to see which applicants are the most skilled at deciphering the program's rigid and convoluted deadlines. What has occurred here is a clerical error. There is no fraud. There is no abuse. There is no lack of effort, for any review of the record will show how many times we contacted USAC during the submission process to make sure we were doing things correctly.

We sincerely hope you will reconsider this decision, and restore our FY 2006 E-Rate funding.

Sincerely,



David Saffan
Information Specialist
Bonita Unified School District

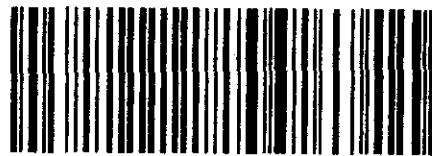
Cc: Congressman David Dreier
California-26th District
233 Cannon House Office Building
Washington, DC 20515-0526

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

D. Saffan
Bonita Unified School District
115 W. Allen Avenue
San Dimas, CA 91773

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