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JUL 10 2006
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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)	
)	
)	
St Paul School)	
)	
)	
)	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

July 7, 2007

1. Appeal
2. Motion to Waive the FCC's Rule Requiring that St Paul's 471 Application be filed within the Funding Year 6 "window"
3. Request for Expedited Relief

0+4

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.

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 Numbers:	538202,536167
Funding Year 2006:	Funding Year 2006
Billed Entity Number for district:	48663
Date of Funding Denial Notice:	May 11, 2006
Date of Appeal:	July 7, 2006

(2) SLD Contact Information

Carolyn Hammer
St Paul School

925 E State St
Salem Ohio 44460-2225
Tel. (330.337.3451)

(3) St Paul School's Reason for Funding Denial

The SLD stated:

“Funding Year 2006 Form 471 Certification Postmarked outside of window.”

Exhibits A, B

(4) St Paul School Request that the FCC waive its Rule requiring that St Paul’s FCC 471 Application be filed within the window

“The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.²³ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.” See, 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)

(5) The SLD’s website provides, *inter alia*:

Effective December 5, 2005, USAC instituted a new and improved PIN system that will make the application certification process much easier. As a result, new PINs were sent to applicants who already had a PIN as well as those applicants who had successfully filed and certified a FCC Form 470, 471 or 486. Applicants no longer need to apply for a PIN, as USAC's new and improved process allows for PINs to be automatically generated, mailed, and ready to be used once the applicant has certified any one of the forms. Your PIN enables the authorized person to certify program forms online and is the equivalent of your hand-written signature.

St Paul did not receive a PIN as the stated above. Further, when St Paul called the SLD to inquire about the PIN, there was no response from the SLD. Exhibit C

Conclusion:

St Paul School is requesting the following action by the FCC:

(a) **Waive** the Commission's Rule requiring St Paul's application be filed within the window, and consider hardship, and equity in this matter. St Paul is a very small Catholic School District of approximately 135 students.

(b) Within 30 days or less Order funding for the telecommunications services requested in the 471 Application, specifically 471 Application Numbers:

538202, 536167

(c) Set aside funds to totally fund St Paul's request.

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No. : 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
St Paul School
Cc: St Paul School

Exhibit A



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2006 FORM 471 CERTIFICATION
POSTMARKED OUTSIDE OF WINDOW

May 11, 2006

Carolyn Hammer
ST PAUL SCHOOL
925 E STATE ST
SALEM, OH 44460-2225

Re: Applicant's Form Identifier: 21606471
Form 471 Application Number: 536167

Dear Carolyn Hammer:

We're sending this letter to thank you for your recent Form 471 application. 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.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2006-2007 applications, about funding for applications filed after the close of the filing window or about plans for the 2007-2008 application process, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number 536167 as assigned by USAC,
 - "Funding Year 2006 Form 471 Certification Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service

provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6542.

To submit your appeal to us on paper, send your appeal to:

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

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (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 by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit B



Universal Service Administrative Company
Schools & Libraries Division

**FUNDING YEAR 2006 FORM 471 CERTIFICATION
POSTMARKED OUTSIDE OF WINDOW**

May 11, 2006

Carolyn Hammer
ST PAUL SCHOOL
925 E STATE ST
SALEM, OH 44460-2225

Re: Applicant's Form Identifier: N/A
Form 471 Application Number: 538202

Dear Carolyn Hammer:

We're sending this letter to thank you for your recent Form 471 application. 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.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

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1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number 538202 as assigned by USAC,
 - "Funding Year 2006 Form 471 Certification Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
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Schools and Libraries Division
Universal Service Administrative Company

Exhibit C

Affidavit of Carolyn Hammer

State of Ohio)
) ss.
County of Cuyahoga)

I, Carolyn Hammer , being first duly sworn, depose and say the following, all within my personal knowledge:

- 1. I am responsible for e-rate applications at Saint Paul School;
- 2. I filed the Year 9 e-rate applications, FCC Form 536167, and 538202;
- 3. At the time I filed the 470 applications, according to the rules and regulations, I should have received a PIN to use when I filed the 471s electronically;
- 4. I did not receive a PIN; I called the SLD to ask for the PIN but it was never received;

Further affiant sayeth naught.

Carolyn J. Hammer
Carolyn Hammer

Sworn to and subscribed before me this 30th day of June, 2006.

Notary Public

Georgina S. Dermotta

My Commission Expires: March 15, 2011

GEORGINA S. DERMOTTA
Notary Public State of Ohio
My Commission Expires March 15, 2011