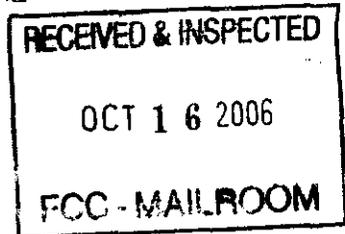


Nathaniel Hawthorne  
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efax: 216.472.8184

DOCKET FILE COPY ORIGINAL



Express Mail EQ868861671US

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

October 11, 2006

Secretary  
Office of the Secretary  
Federal Communications Commission  
445 -12th Street, S.W., Rm TW-204B  
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.

A handwritten signature in cursive script that reads "Nathaniel Hawthorne".

Nathaniel Hawthorne  
Attorney for Holgate School District

Faint handwritten notes and a signature, possibly a date "OCT 16 2006" and a name, with a horizontal line underneath.

**Express Mail EQ 868861671 US**

**RECEIVED & INSPECTED**  
OCT 16 2006  
FCC - MAIL ROOM

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

In the Matter of the Appeal of the )	File No. SLD -
Decision of the )	
Universal Service Administrator by )	
<b>Holgate School District</b> )	CC Docket No. 02-6
Federal-State Joint Board on )	
Universal Service )	CC Docket No. 96 - 45
Changes to the Board of Directors of )	
The National Exchange Carrier )	CC Docket No. 97 - 21
Association, Inc. )	

Appeal  
Demand for Expedited Relief

October 11, 2006

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Suite TW-A325  
Washington, D.C. 20554

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**(1) Funding Commitment Decision Letter Appealed**

Form 471 Application Number:	508711
Funding Year 2005:	07/01/2006-06/30/2007
Billed Entity Number:	129278
Date of Funding Denial Notice:	September 19, 2006
Date of Appeal:	October 11, 2006

**(2) SLD Contact Information**

Currie A. Sutton  
Holgate School District  
(216) 682.0169  
27600 Chagrin Blvd., Suite 260  
Cleveland Ohio 44122

**(3) Funding Request Numbers Appealed**

FRN – 1424443

**(4) Reason for Appeal:**

On FRN 1424443 the SLD denied the Application stating that "This FRN is a request for a Telecommunications Service from a carrier that does not provide telecommunications on a common carriage basis."

**(5) First, There is no Federal Communications Requirement that "wireless**

service" be provided by a telecommunications carrier on a common

carriage basis. <http://wireless.fcc.gov/services/>, and

<http://www.sl.universalservice.org/reference/eligible.asp>

(6) Second, the SLD was provided very precise data to support Applicants' request for accepting the Application. Further, the FCC dealt with this kind of situation in CC Docket No. 02-6, CC Docket No. 02-6, File No. SLD-338605, Fayette County School District (Fayette). Exhibit A There, the FCC held that the school district submitted documents in support of its funding Application. To the extent that the Application was deficient, the "SLD failed to specify what additional information was required." *Fayette, para 4* Here, the SLD denied the funding request, but no PIA was submitted or other questions asked.

**Conclusion:**

Holgate is requesting the following action by the FCC:

Reverse the SLD, and allow FRN 1424443.

Respectfully submitted,

  
Nathaniel Hawthorne

Ohio Bar # 0008881  
Nathaniel Hawthorne,  
Attorney/Consultant, Ltd.  
27600 Chagrin Blvd., #265  
Cleveland, OH 44122  
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