

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Application for Review of Decision of)	CC Docket No. 02-6
The Schools and Libraries Division of the)	
Universal Service Administrative Company)	
)	
Appeal of Funding Year 2003 Notification of)	
Improperly Disbursed Funds Letter and the)	
Denial of the Relevant Appeal)	
Funding Year 2003)	
Form 471 Application Number: 370891)	
Funding Request Number: 1013282)	
Applicant: Youthbuild Columbus Community)	
School, Columbus OH (BEN 233818))	

APPEAL OF YOUTHBUILD COLUMBUS COMMUNITY SCHOOL

Youthbuild Columbus Community School, hereby respectfully appeals the decision of the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”), to uphold the erroneous claims and procedural errors made in its Notification of Improperly Disbursed Funds letter, dated May 30th, 2006.

On May 30th, 2006, SLD issued a “Notification of Improperly Disbursed Funds Letter”¹ to the billed entity for the captioned funding request number. In this letter, SLD claims that the billed entity did not pay for any of its share of telecommunications services based on information obtained during a site visit.

On July 29th, 2006, Youth Empowerment Services (“YES”), the school’s e-rate consultant, filed a timely appeal¹ with SLD with respect to this matter. In this appeal, two

¹The Notification of Improperly Disbursed Funds Letter and the filed SLD appeal are attached as Exhibit A

arguments were provided to counter the claim made by SLD.

First, the appeal stated that no determination was made during the site visit, that the billed entity failed to pay for its share of services, and that there was no basis for reaching such a conclusion. Second, the appeal stated that the “90-day rule” that SLD was using to enforce the recovery of funds was adopted on September 13th, 2004 in the FCC’s Fifth Report and Order – which was after the timeframe services in connection with the funding request were delivered, and that there was no language in the FCC order that suggested the rule may be applied retroactively. Additionally, included with the appeal, were copies of the cancelled checks to the service provider, definitively proving the billed entity paid for its share of telecommunications services.

On December 8, 2006, SLD issued its “Administrator’s Decision on Appeal – Funding Year 2003-2004”² in response to our appeal. In this decision, SLD denies our appeal based on information it apparently has in internal records that were apparently made and kept by the BearingPoint site reviewers. Copies of these internal records were not provided to the billed entity or its consultant, and we are therefore unable to verify the accuracy of the information contained within them. Being present at the site review however, the author of this appeal can personally attest that the BearingPoint representatives never requested copies of any cancelled checks for any telecommunications funding requests, but were instead only interested in cancelled checks for internal connections funding requests. Additionally, the SLD appeal denial failed to answer the argument regarding the enforceability of the 90-day rule as this rule was adopted after the delivery of services was completed. Additionally, the SLD refused to

²The Administrator’s Decision on Appeal – Funding Year 2003-2004 is attached as Exhibit B

acknowledge the copies of the cancelled checks that we provided with the appeal, though the BearingPoint representatives never requested copies of cancelled telecommunications funding checks.

It is our contention that SLD erred by ignoring information provided on appeal that was never requested during any review. Additionally, it is our contention that SLD erroneously applied the “90-day rule” retroactively to a funding request, without the basis or ability to perform such an action. Additionally, it is our contention that SLD compounded on this error by not taking the opportunity to correct it on appeal. Therefore, we would respectfully request the Commission overturn the SLD decision in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris A. Quintanilla". The signature is stylized with a large, sweeping initial "C" and "Q".

Chris A. Quintanilla
Youth Empowerment Services
1231 N. Broad St., Fl 4
Philadelphia, PA 19122-4021
(215) 769-0340 x226

Agent for YouthBuild Columbus Community School

December 12, 2006