

LETTER OF APPEAL
Federal Communications Commission

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December 15, 2006

DOCKET FILE COPY ORIGINAL

CC Docket No. 96-45
CC Docket No. 02-6

Company Name	Bethlehem Area School District
Billed Entity Name	BETHLEHEM AREA SCHOOL DISTRICT
Application Number	535090
Billed Entity Number	125903
Funding Request Number	1479744
Contact Name	Robin L. Lutcher
Address	3149 Chester Ave, Bethlehem, PA 18020
Telephone Number	610-807-5571 (ext. 35972)
Fax Number	610-807-5526
e-Mail Address	rlutcher@bethsd.org

This letter is to appeal the recent decision of the SLD to deny funding on the above application. Attached is the letter from the SLD and the paperwork sent to the SLD when that appeal was processed.

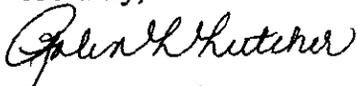
The denial from the SLD states that information was not sent in within the required time frame. Please note the following facts:

- 1) We acknowledged receipt of the information via telephone on April 24, 2006.
- 2) On May 22, 2006 we requested an extension via telephone. This request was granted verbally at that time. The extension was requested due to the following reasons:
 - a. The final budget for the 2006-2007 school year would not be available until June 30, 2006
 - b. The technology office had been under construction and we were in temporary offices. We were scheduled to move back into our offices in late May/early June and some of the documents were stored in boxes.

During the application process for FORM 470 and FORM 471, all deadlines were met and regulations adhered to. The request for an extension was made in good faith and with the intent of complying with the request of the SLD. The documents were not submitted to the SLD because I had received an affirmative response to my verbal request.

The attached documents support the above application. I request that the FCC please approve funding for this application and thank you in advance for your consideration of this request.

Sincerely,



Robin L. Lutcher
Director of Information Technologies

No. of Copies rec'd 0
List A B C D E



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

October 25, 2006

Robin L. Lutchter
Bethlehem Area School District
3149 Chester Avenue
Bethlehem, PA 18020

Re: Applicant Name: BETHLEHEM AREA SCHOOL DIST
Billed Entity Number: 125903
Form 471 Application Number: 535090
Funding Request Number(s): 1479744
Your Correspondence Dated: August 08, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1479744
Decision on Appeal: **Denied**
Explanation:

- USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. During the Selective Review, you were sent the Selective Review Information Request (SRIR) on April 24, 2006 requesting information pertaining to budget, vendor selection, bids, and contract documentation. On April 24, 2006, you confirmed receipt of the request for information via telephone correspondence with SLD. Since no response was received, SLD sent the SRIR again on May 18, 2006 with a copy to the State E-Rate Coordinator. As of June 13, 2006, you failed to respond to SLD's inquiries. Consequently, the appeal was processed with the information on file. In absence of the requested information USAC was unable to determine whether the district met program requirements for competitive bidding and the Item 25 certification.

You submitted supporting documentation in response to the initial Selective Review fax request with your appeal. Program rules do not permit USAC to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by SLD. Therefore, USAC supports the initial Selective Review decision.

- USAC reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. See 47 C.F.R. sec. 54.500 et. seq. To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information before it. See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd. 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). (Marshall County) Typically applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, CC Docket No. 02-6, Order, FCC 06-54 para. 23 (rel. May 19, 2006). Id.; SLD section of the USAC website, Reference Area, "Deadline for Information Requests," www.usac.org/sl. This procedure is necessary to prevent undue delays during the application review process.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the 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 or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Robin L. Lutchter
Bethlehem Area School District
3149 Chester Avenue
Bethlehem, PA 18020

Billed Entity Number: 125903
Form 471 Application Number: 535090
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Appeal Acknowledgement Letter

August 15, 2006

RECEIVED

AUG 23 2006

Bethlehem Area School Dist.
Information & Communication Technologies

Robin L. Lutcher
Bethlehem Area School District
3149 Chester Avenue
Bethlehem, PA 18020

Subject: Bethlehem Area School District

Robin L. Lutcher,

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence dated August 8, 2006, on **August 11, 2006**, regarding the **FY2006** funding decision of your Form 471 Application Number(s) **535090 - FRN(s) 1479744**.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. ~~Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part.~~ A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Schools and Libraries Division
Universal Service Administrative Company

TRANSMISSION VERIFICATION REPORT

TIME : 08/11/2006 11:55
NAME : BASD TECHNOLOGY DEP
FAX : 610-8075526
TEL : 610-8075571

DATE, TIME	08/11 11:51
FAX NO./NAME	919735996542
DURATION	00:03:33
PAGE(S)	12
RESULT	OK
MODE	STANDARD ECM



Department of Information Technologies

FAX MEMO

TO: Schools and Libraries Division –
Correspondence Unit
FAX: 1-973-599-6542

FROM: Robin L. Lutcher, Dir. of IT
PH: 610-807-5571 ext. 51
FAX: 610-807-5526
rlutcher@bethsd.org

RE: APPEAL – 2006/2007 School Year

Attached please find a LETTER of APPEAL and supporting documents for

BEN: 125903

535090

FORM 471 Application #: 355090

FORM 471 Identifier: basd 67 upgrade 471

FRN: 1479744

12 pages included w/ Cover sheet



Information Technologies Department

Letter of Appeal

Form 471 Application Number: 535090
Funding Year: 7/1/2006-6/30/2007
Application Form Identifier: Basd67upgrade471
Billed Entity Number: 125903
FRN: 1479744
Amount: \$123,072.00
Date: August 8, 2006

Denial was based on the lack of receipt of information for an audit. This information was sent to the SLD in response to the audit on July 31, 2006. Additional time had been requested for the following reasons:

- 1) Completion and approval of 2006-2007 school budget
- 2) IT department relocation to newly renovated area and information was packed in boxes for transport.

The SLD had confirmed that additional time was available via a phone call on May 22, 2006.

Attached please find the information supplied as part of the audit to support this application.

- 1) RFP to support the Form 470 bid
- 2) List of interested vendors who responded to the RFP
- 3) Description of how the vendor was selected
- 4) District Technology Plan
- 5) Approved district budget for 2006-2007 with adequate funding to support this request.
- 6) Copy of Item #21 attachment submitted online.

I respectfully ask that this request be funded.

Thank you.

Robin L. Lutcher
Robin L. Lutcher
3149 Chester Ave.
Bethlehem, PA 18020

rlutcher@betrdsd.org
610-807-5571 (5,1)
610-807-5526 (cell)

#1



Bethlehem Area School District

Information Technologies Department

Robin L. Lutcher, Director

RFP – ERATE 2006-2007 School Year

129980000569735	Pagers for BASD personnel Two year contract for pagers and paging service for 50 BASD personnel
465300000569723	Basic Maintenance on Cisco Router, Basic Maintenance on district Executone Phone Service
392560000569708	Phone Service – Local and Long Distance Service for all BASD buildings. Service to include POTS, analog and digital service.
367560000569690	Cell Phone Service: 1) 45 regular cell phones, 2) 30 cell phones with 2- way radios. Phones and service. Two to three year contract.
507470000570122	Marvine ES – Internal Connections for wireless connectivity Poe Switches, Access points for classrooms
153810000570119	Lincoln ES – Internal Connections for wireless connectivity POE switches, Access Points for classrooms
757250000570111	Freemansburg ES – Internal Connections for wireless connectivity POE Switches, Access Points for Classrooms
394660000579552	LHS – Internal network connections for data and voice. POE Switches and associated hardware, 1MDF and 17 IDF's
987070000579560	FHS – Internal network connections for data and voice. POE Switches and associated hardware, 1MDF and 12 IDF's
837060000579566	Internal connections for phone system. Replacement of current Executone phone system with option to re-use existing phone sets. System will need to accommodate analog, digital and VoIP phone options.



Information Technologies Department

Letter of Appeal

Form 471 Application Number: 535090
Funding Year: 7/1/2006-6/30/2007
Application Form Identifier: Basd67upgrade471
Billed Entity Number: 125903
FRN: 1479744
Amount: \$123,072.00
Date: August 8, 2006

#2. List of interested vendors who responded to the RFP

1. Alcatel Inc.
2. Convergent Technologies Inc.

#3. Description of how the vendor was selected

Each quote was reviewed with 2 criteria in mind: 1) overall cost and 2) flexibility to meet the needs of the district using a combined or hybrid phone system that employed the use of analog, digital and IP phones.

Alcatel was selected because their system was more flexible and slightly less in cost.

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District Information

AUN: 120481002
 District: Bethlehem Area School District
 Address: 1516 Sycamore Street, Bethlehem, PA 18017-6099
 Superintendent: Joseph Lewis
 Contact Name: Robin Lutchter
 Contact Title: District Technology Director
 Contact Email: rlutchter@beth.k12.pa.us
 Contact Phone: 610-807-5571

Prior Plan Narrative

The Bethlehem Area School District has achieved many of the goals from the prior technology plans. Wireless technology is installed in all schools, students use technology each day as part of the curriculum and staff rely on technology for internal and external communication.

Mission and Vision Statement

It is the mission of Bethlehem Area School District to provide students with a comprehensive and challenging educational program that integrates technology with all aspects of the curriculum.

It is the vision of the Bethlehem Area School District to provide all students with the opportunity to utilize technology for academic achievement and to prepare for the success in the 21st century.

Goals & Strategies

This technology plan spans the fiscal years: July 1, 2005 - June 30, 2008

Goal - All students will use technology to help them achieve curriculum objectives in all subjects, but particularly to meet or exceed core academic standards and to prepare for post high school education.

Strategy - Students will use content specific software and Internet resources.

Technology/Service - Classroom Hardware

Budget: 400000.0000

Funding Source: District

Funding Source: Grants

Technology/Service - Infrastructure

Budget: 250000.0000

Funding Source: District

Funding Source: Grants

Technology/Service - Software

Budget: 500000.0000

Funding Source: District

Funding Source: Grants

Technology/Service -

Budget:

Funding Source:

Funding Source:

#4

Professional Development

Teachers will receive training in the use of hardware and software
Professional development will provide teachers with the opportunity to create classroom activities and/or lessons.

Monitoring/Evaluation

Evaluation of classroom activities and lessons.

Goal - The District will provide appropriate electronic access to up-to-date student and district data.

Strategy - Purchase of a new student information system. Purchase of an assessment tracking system.

Technology/Service - Student management system

Budget: 600000.0000

Funding Source: District

Funding Source: Grants

Technology/Service - Assessment tracking application

Budget: 50000.0000

Funding Source: District

Funding Source: Grants

Technology/Service -

Budget:

Funding Source:

Funding Source:

Professional Development

Provide admin, teachers, and clerical staff with training in the student management system. Provide admin and teachers with training in the assessment tracking system.

Monitoring/Evaluation

Utilize new management system to track attendance, grades, and demographic information. Utilize the assessment system to plan for student individual needs.

Goal - The district will provide appropriate technology and communications services to support its mission and operation.

Strategy - Promote community interaction with email and the district webpage.

Technology/Service - Software for webpage development.

Budget: 45000.0000

Funding Source: District

Funding Source: Grants

Technology/Service -

Budget:

Funding Source:

Funding Source:

Professional Development

Train webmasters in the use of webpage development applications. Train

#4

teachers to create *their own webpages using Teacherweb.*

Monitoring/Evaluation

Survey parents and members of the community for the effectiveness of communication.

Goal - The district will provide an appropriate technology and communications infrastructure to support its mission and operation.

Strategy - Increase district infrastructure to support applications and hardware.

Technology/Service - Increase network components

Budget: 500000.0000

Funding Source: District

Funding Source: Grants

Technology/Service - Increase network support personnel

Budget: 200000.0000

Funding Source: District

Funding Source: Grants

Professional Development

Train network support personnel to stay current with technologies and services.

Monitoring/Evaluation

Monitor use and reliability of the district infrastructure.

PP
SE
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STATEMENT OF EXPENDITURES - DETAIL BY OBJECT CODE

PROGRAM/EXPENSE DESCRIPTION	A	B	F	G	H
	2004-2005	2005-2006	2006-2007		
	Actual Expenditures	Amended Budget FY 2006	Proposed Budget	Difference \$ (F - B = G)	Difference % (G / B = H)
TL- INFORMATION TECHNOLOGIES					
110 Salaries - Official/Administrative	5,977	82,049	85,330		
120 Salaries - Professional - Educational	42,348	63,115	63,117		
140 Salaries - Technical	382,827	370,239	461,664		
150 Salaries - Office/Clerical	68,731	67,762	71,566		
340 Technical Services	2,323	450	750		
430 Repairs and Maintenance Services	495	26,732	21,000		
440 Rentals/Lease	1,543	91,125	631,500		
530 Postage, Telephone, Other Communications	88	2,218	2,150		
580 Conferences, Travel	422	4,000	5,000		
610 Supplies - General/Software	128,170	88,925	98,200		
640 Books and Periodicals/Admin. Software	791	35,806	51,150		
750 Equipment-Original	-	45,289	84,200		
760 Equipment - Replacement	87,180	200,981	199,000		
780 Technology Infrastructure	805	25,474	107,420		
810 Dues and Fees	8,402	13,000	12,700		
TOTALS - INFORMATION TECHNOLOGIES	729,900	1,117,165	1,894,747	777,582	69.60

1,894,747

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STATEMENT OF EXPENDITURES - DETAIL BY OBJECT CODE

PROGRAM/EXPENSE DESCRIPTION	A	B	F	G	H
	2004-2005	2005-2006	2006-2007		
	Actual Expenditures	Amended Budget FY 2006	Proposed Budget	Difference \$ (F - B = G)	Difference % (G / B = H)
TN - DATA PROCESSING DEPARTMENT					
110 Salaries - Official/Administrative	85,858	68,303	71,064		
140 Salaries - Technical	198,072	247,534	247,732		
150 Salaries - Office/Clerical	33,047	34,763	35,412		
340 Technical Services	3,867	22,518	30,000		
430 Repairs and Maintenance Services	165,312	200,000	207,000		
440 Rentals	27,192	30,000	30,000		
580 Conferences, Travel	1,927	6,000	6,000		
610 Supplies - General	51,098	51,818	66,650		
640 Books and Periodicals	-	100	-		
760 Equipment - Replacement	2,593	9,552	9,500		
TOTALS - DATA PROCESSING DEPARTMENT	568,968	670,588	703,358	32,770	4.89

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STATEMENT OF EXPENDITURES - DETAIL BY OBJECT CODE

PROGRAM/EXPENSE DESCRIPTION	A	B	F	G	H
	2004-2005	2005-2006	2006-2007		
	Actual Expenditures	Amended Budget FY 2006	Proposed Budget	Difference \$ (F - B = G)	Difference % (G / B = H)
TK - TECHNICAL SERVICES					
140 Salaries - Technical	27,765	-	-		
160 Salaries - Crafts & Trades - Mntc.	201,853	247,008	264,130		
410 Clearing/Disposal/Grounds Services	-	-	2,500		
430 Repairs and Maintenance Services	4,750	1,000	1,300		
530 Postage, Telephone, Other Communications	311,812	260,000	248,800		
610 Supplies - General/Software	10,800	120,000	100,250		
640 Books and Periodicals	-	550	550		
760 Equipment - Replacement	-	8,000	8,000		
810 Dues and Fees	700	700	700		
TOTALS - TECHNICAL SERVICES	557,880	637,258	626,230	(11,028)	(1.73)

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Item 21 Attachment
Internal Connections - Funding Year 2006

Applicant Details

Applicant Name BETHLEHEM AREA SCHOOL DIST
Billed Entity Number 125903
Form 471 Application Number 535090
Funding Request Number 1479744
Service Provider SLD Interim
Attachment Number 6717
Narrative description of this Funding Request Upgrade of current phone system to a VOIP system.
Location of components Each of 22 school buildings, one administration building, one transportation building and one maintenance building.

Make	Model	Product SKU	Line Total
1 Alcatel	ALCATEL VoIP		\$123,072.00
		Description	
		VoIP phone system for each of 22 school buildings, one maintenance building, one transportation building, and one administration building.	
		Function (Product)	
		Telephony Components(Telephony Products (other))	
		Quantity	
		1	
		Unit Cost	\$123,072.00
		Eligible Cost	\$123,072.00
		InEligible Cost	\$0.00
		Total:	\$123,072.00
		Funding Requested on 471:	\$123,072.00

Further information Phone system to be used by staff within the district for educational purposes.

Date Submitted

7/16/2006 10:02:56 PM

FedEx

emp# 507499 14DEC06

TRK# 8580 3101 0041

20743

-MD -US

PRIORITY OVERNIGHT

RECEIVED & INSPECTED

DEC 15 2006

FORM 0200

FCC-MAILROOM

ZM GBOA

FRI

Deliver By: 15DEC06

A2

Route

Tina

Delivery Point

TW-B204

OMD

PO#

Sdr BETHLEHEM AREA SCHOOL

858031010041

12/15/06

14:02:30

FedEx Express US Air



1 From Date

Sender's Name

Phone

Company

Address

City

State ZIP

2 Your Internal Billing Reference

3 To Recipient's Name

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Company

Recipient's Address

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City

State ZIP

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Service Packages up to 150 lbs.

5 FedEx Standard Overnight Next business afternoon. Saturday Delivery NOT available. 6 FedEx First Overnight Earliest next business morning delivery to select locations. Saturday Delivery NOT available.

3 FedEx 2Day Second business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. FedEx Envelope rate not available. Minimum charge. One-pound rate. 20 FedEx Express Saver Third business day. Saturday Delivery NOT available. FedEx Envelope rate not available. Minimum charge. One-pound rate.

4h Express Freight Service Packages over 150 lbs.

7 FedEx 1Day Freight* Next business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. 9 FedEx 2Day Freight Second business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. 83 FedEx 3Day Freight Third business day. Saturday Delivery NOT available. Thursday Delivery NOT available.

5 Packaging 6 FedEx Envelope* 2 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Saver Pak. 3 FedEx Box 4 FedEx Tube 1 Other

6 Special Handling 3 SATURDAY Delivery Not available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 2Day Freight. 1 HOLD Weekday at FedEx Location Not available for FedEx First Overnight. 31 HOLD Saturday at FedEx Location Available ONLY for FedEx Standard Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods? One box must be checked. No 4 Yes As per attached Shipper's Declaration. Yes Shipper's Declaration not required. 6 Dry Ice Div. 6.2, UN 1845. Dangerous goods (including dry ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

7 Payment Bill to: 1 Sender's Acct. No. or Invoice Form 2 Recipient 3 Third Party 4 Credit Card 5 Cash/Check. Enter FedEx Acct. No. or Credit Card No. below. Obtain Recip. Acct. No.

8 NEW Residential Delivery Signature Options No Signature Required 10 Direct Signature Anyone at recipient's address may sign for delivery. Fee applies. Indirect Signature If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

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