



HOUSTON INDEPENDENT SCHOOL DISTRICT

HATTIE MAE WHITE EDUCATIONAL SUPPORT CENTER
4400 WEST 18th STREET • HOUSTON, TEXAS 77092-8501

17, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, NE
Suite 110
Washington, DC 20002

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Federal Communications Commission
Office of the Secretary

VIA Hand-Delivery

RE: Request to Withdraw Request for Review As Moot
In the Matter of
Request for Review by the Houston Independent School District of the
Decision of Universal Service Administrator,
CC Docket No. 02-6
BEN: 141223
Funding Year: 2005
Form 471 Application Number: 441116
FRN: 1224875, 1224877, 1224882, 1224884, 1224886, 1224895, 1224900,
1224906, 1124914 [sic]
Pre-Discount Amount: \$4,309,032.84 (total for 9 FRNs)
Amount of Funding Requested: \$3,619,587.60 (total for 9 FRNs)
Funding Commitment Decision: Not Funded/ Funded per Administrator's
Decision on FCC Remand Letter Dated 5/24/06

To Whom It May Concern:

This letter is to inform you that on May 24, 2006, the Universal Service Administrative Company Schools and Libraries Division ("USAC") approved the Houston Independent School District's ("HISD") Year 2005 request for funding under the E-rate program. As a result of that decision, HISD's Request for Review of USAC's initial Funding Year 2005 decision is rendered moot and HISD formally files this withdrawal.

On March 16, 2005, HISD had filed a Request for Review of a USAC funding decision with the Federal Communications Commission ("FCC") relating to Funding Year 2004 (Form 471 Application Number: 398831). In its appeal of USAC's Funding Year 2004 decision, HISD informed the FCC that USAC's denial of its Year 2004 funding was mistaken for two reasons: (1) HISD's Year 2004 request was consistent with earlier requests for funding that were granted by USAC, and (2) HISD uses "lit" fiber and HISD's fiber is not part of a private network. On October 27, 2005, the FCC agreed with HISD's reasoning and issued an Order granting HISD's request relating to Funding Year 2004 and instructing USAC to take action consistent with the agency's decision. Following the FCC's remand, USAC issued, on May 24, 2006, its Administrator's Decision on FCC Remand – Funding Year 2004-2005 letter, and on May 26, 2006, USAC issued a Revised Funding Commitment Decision Letter for Funding Year 2004.

cc: [unclear] 0+4
[unclear] A B C D E

Prior to the issuance of the FCC's October 27, 2005 remand decision regarding HISD's Funding Year 2004 Request for Review, HISD filed another E-rate application with USAC for Year 2005 funding for the same services that were originally denied by USAC for Funding Year 2004. USAC denied HISD's Year 2005 application on October 18, 2005, on the same grounds that were the basis for USAC's original Year 2004 funding denial. As a result of the Year 2005 funding denial, HISD filed the instant Request for Review on December 16, 2005. Subsequent to the filing, however, and following the FCC's remand decision relating to USAC's Funding Year 2004 denial, USAC re-evaluated its denial of HISD's Funding Year 2005 application. In conjunction with its decision on HISD's Funding Year 2004 request, on May 24, 2006, USAC also approved HISD's Funding Year 2005 request, and on June 2, 2006, issued a Revised Funding Commitment Decision Letter regarding Funding Year 2005 (Form 471 Application Number: 441116). USAC's issuance of its Revised Funding Commitment Decision Letter for Funding Year 2005 renders the instant Request for Review moot, and eliminates the need for FCC review in this matter. Thus, HISD requests that the FCC allow the withdrawal of HISD's Request for Review of USAC's initial Funding Year 2005 decision.

For any further information you may require, please contact me, or you may contact the HISD E-Rate supervisor:

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Sincerely,



Laura Palmer
Assistant Superintendent

cc: Universal Service Administrator