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LETTER COVER SHEET

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Send to: Letter of Appeal: CC Docket No. 02-6, CC Docket No. 96-45	From: Artley Wolfson
Attention: Federal Communications Commission Office of the Secretary	Office location: Weybridge Elementary School
Office location: 445 12 th Street, SW Room TW-A325 Washington, DC 200554	Date: December 11, 2006
Fax number: 202-418-0187	E-Mail: awolfson@acsu.k12.vt.us

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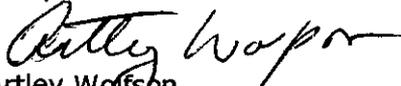
For your
information



Comments:

Please find enclosed a two-page appeal of an SLC denial of our appeal of an E-Rate funding decision. The appeal denial letter is also enclosed.

Many thanks.



Artley Wolfson
Library and Network Coordinator
Weybridge Elementary School (BEN 4970)
210 Quaker Village Road
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Christina Johnston
Principal

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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 200554

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

December 11, 2006

To Whom It Concerns:

I am writing to appeal SLC's denial, dated December 5, 2006, of Weybridge Elementary School's appeal of their denial of our 2005 form 471 application number 44870, FRN 1240397.

On 9/07/2006, SLC issued a denial of our year 2005 form 471 application number 44870, FRN 1240397. The denial stated "This FRN is a request for Telecommunications Service from a carrier that does not provide telecommunications on a common carriage basis."

However, this service provider, Waitsfield and Champlain Valley Telecom, has been our local phone (POTS) service provider for years. Up until 2005, we had regularly received SLC funding commitments for this service provider. Several years ago, a separate division of their company, Green Mountain Access, also became our Internet service provider, under a separate SPIN number.

On September 14, 2006 I submitted an appeal of the denial of 471 application number 44870, FRN 1240397. At that point, neither the Champlain Valley Telecom nor SLC officials with whom I spoke could identify a reason for the denial. The only suggestion was to submit more documentation with the appeal, which I did.

In the meantime, in a separate, new 2006 funding commitment letter, dated November 29, 2006, we were once again denied a funding commitment for Waitsfield and Champlain Valley Telecom's local phone service. The letter stated:

"Upon review of your appeal letter and all relevant documentation, it has been determined that during SLD initial review it was ruled by USAC that SPIN 143005722—Waitsfield Fayston Telephone Inc., dba Champlain Valley Telecom was an ineligible telecom service provider. During our review of your letter of appeal, the USAC SPIN Database was consulted and indicated

that ~~SPIN 143005722~~ was still an ineligible telecom provider. On appeal, you state that in previous years you have used this service provider and have received E-Rate funding. In both cases, the service category was internet access not telecommunications. Please consult with this service provider for clarification on where they stand with respect to being certified as an eligible telecom provider by USAC. Appeal denied."

In order to understand the new pattern of denials, starting in 2005 (a year of confusing and delayed SLC deadlines) and continuing in 2006, I spoke to a customer service agent at Waitsfield and Champlain Valley Telecom. She indicated that the company had undergone some SPIN number changes as follows:

143001312 is the SPIN number for telephone service

143008795 is the SPIN for Green Mountain Long Distance

143008796 is the SPIN for Green Mountain Access

Original SPIN 143005722 is now no longer eligible.

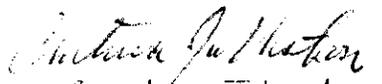
In a separate appeal to SLC of the 2006 denial, I provided the new SPIN information. That appeal is being handled, at this point, by SLC.

What I am appealing here, in this letter, is the recent denial of our appeal of the 2005 commitment, which, given the information above, almost certainly resulted from SPIN number confusion, although nobody was able to provide me with that information when I submitted the appeal originally. A search, today, of the USAC spin database confirms all the SPIN numbers above. We are now using SPIN 143001312 for Waitsfield Fayston Telephone Company (Waitsfield and Champlain Valley Telecom) and continuing to use SPIN 143008796 for Waitsfield Fayston Telephone Company (Green Mountain Access) as we have since they became our Internet service provider.

We are a very tiny, semi-rural school that depends on SLC funding. We entreat you to consider this appeal of the SLC appeal denial and to let us know whether we can submit any more documentation or information. The loss of funding and the loss of staff time because of the E-Rate appeal process is very, very costly for us.

Thank you very much for your consideration.

Sincerely,


Christina Johnston,
Principal


Artley Wolfson
Library and Network Coordinator



Artley Wolfson
Weybridge Elementary School
210 Quaker Village Road
Weybridge, VT 05753

Billed Entity Number: 4970
Form 471 Application Number: 448470
Form 486 Application Number:



Administrator's Decision on Appeal – Funding Year 2005-2006

December 05, 2006

Artley Wolfson
Weybridge Elementary School
210 Quaker Village Road
Weybridge, VT 05753

Re: Applicant Name: WEYBRIDGE ELEMENTARY SCHOOL
Billed Entity Number: 4970
Form 471 Application Number: 448470
Funding Request Number(s): 1240397
Your Correspondence Dated: September 14, 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 2005 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): 1240397
Decision on Appeal: **Denied**
Explanation:

- Upon review of your appeal letter and all relevant documentation, it has been determined that during SLD initial review it was ruled by USAC that SPIN 143005722 -Waitsfield Fayston Telephone Inc., dba Champlain Valley Telecom was an ineligible telecom provider. During our review of your letter of appeal, the USAC SPIN Database was consulted and indicated that SPIN 143005722 was still an ineligible telecom provider. On appeal, you state that in previous years you have used this service provider and have received E-Rate funding. You cited two previously-funded requests. In both cases, the service category was internet access not telecommunications. Please consult with this service provider for clarification on where they stand with respect to being certified as an eligible telecom provider by USAC. Appeal denied.

- An Eligible Telecommunications Provider (ETP), a USAC term used for "telecommunications carrier," is an entity that provides telecommunications services, i.e., transmission services on a common carriage basis. To be a telecommunications carrier, the carrier must (1) allow the customer to transmit *information of its own design and choosing, without change in the form or content* of the information, and (2) provide that capability for a fee directly to the public, or to such classes of users as to be effectively available to the public (i.e., hold itself out to serve indifferently all potential users).

USAC makes commitments for Telecommunications Services for applicants when the service provider is identified in USAC's database as an ETP; but, notwithstanding that identification, it is the service provider that is responsible for ensuring it meets these requirements in all instances of discounted telecommunications services. All telecommunications carriers are required under FCC rules to file an FCC Form 499A. By filing a Form 499A and checking at least one of the boxes on line 227, USAC may designate a service provider as an eligible telecommunication provider in its database. Since your appeal has not brought forth persuasive information that SLD has erred in its determination, your appeal is denied.

- Your Form 471 indicates that you selected a service provider that has not been designated as an eligible telecommunication carrier in the USAC database: Waitsfield Fayston Telephone Inc. dba Champlain Valley Telecom. FCC regulations provide that telecommunications carriers are eligible for universal service support. 47 C.F.R. § 54.501(a). The FCC has determined that to be eligible to receive universal service support for telecommunications services, the provider must provide telecommunications services on a common carrier basis. Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 134 (rel. May 8, 1997)

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