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January 9, 2007

APPEAL TO FCC - CC Docket No. 02-6

Our recent appeal to USAC was denied, their letter is attached. While we respect the decision, we do not agree with it, and wish to briefly explain our situation directly to the FCC. This pertains to 471# 497516 and FRN 1372087. The USAC rejected appeal supported their first FCDL denial that there were not two written dates accompanying two signatures. Here are the points that stand true about this contract that's only problem was that both parties did not physically write the date next to their names when signing on the 29th of December 2005.

1. Both parties signed the contract on the 29th of December, 2005. Both parties did not carry down the date because the sit down meeting to sign took place the same day the document was printed (Thursday December 29, 2005). Since they looked at the date on the page which matched that day's date, they did not write it again. Had the meeting taken place on some day later that would not have matched the date on the top of the document, it would have caused both parties to notice the date discrepancy.
2. In addition, you will notice that the signed contract has no space for the parties to date, an oversight we have corrected going forward. Although you are all too familiar with the Richmond County case with eChalk, LLC¹, we feel it is important to note that there is historical precedence in forgiving this oversight. As mentioned, we have corrected all of our contracts going forward.
3. Perhaps most important to us in this particular FRN is that all filing window dates were met completely. First the contract was dated and signed after the 28 day 470 window expired on the 27th of December in 2005. Second, the Awarded Contract Date matched with what was filed on the 471 online. Last, the contract was awarded well in advance of the 471 being filed (January 9th, 2006) and certified (January 24th, 2006). In summary, all dates and deadlines were adhered to; our only clerical oversight was the missing hand-written dates next to the names of the two agreeing parties.
4. Next, the rejected appeal made final mention that the way the last paragraph of the contract was written gives the appearance that the vendor was to mail the contract back to the school at a later date. Simply explained; a decision was made on the 29th of December, 2005 to physically meet with both parties to sign in person. Because of the very close proximity of both parties, and the fact that they could easily sit down instead of spending time mailing documents back and forth, they decide to convene on the 29th in person. This explains the mildly confusing language.
5. Finally, USAC mentions that we failed to provide a different contract on our first appeal, than the one that made up our original Item 21 attachment. In response to that, we can't disingenuously manufacture dates on a new contract nearly a year later; it would be incredibly irresponsible to do that all of the sudden.. What you are seeing is the original contract, the same one we have submitted with our Item 21, our PIA, and our first appeal.

¹ In winning its appeal, Richmond County successfully argued that its contract with eChalk did not contain space for handwritten dates.

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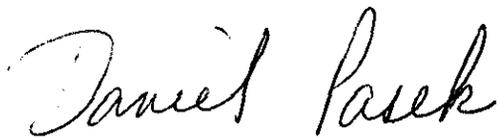
In closing, we believe we more than honored the spirit of the program, from dates and deadlines, to running fair bidding to all vendors. We believe there is substantial precedent (Richmond and also Gayville-Volin) to forgive clerical oversights that were much more egregious than our clerical oversight. We have taken sincere steps to rectify this missing piece of our contracts going forward. We respectfully request of the FCC that this USAC decision be overturned and we receive funding under this FRN.

Thank you.

Daniel Pasek
Contact Person for BEN 221381
Phone 518 229 1769
Fax 309 296 1826
Email erate@nycap.tr.com

Enclosures:

- USAC rejected appeal letter
- FRN contract in question



erate@NYCAP.tr.com



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

December 20, 2006

Daniel Pasek
Community Partnership Charter School
12 De Lucia Terrace
Loudonville, NY 12211

Re: Applicant Name: COMMUNITY PARTNERSHIP CHARTER SCHOOL
Billed Entity Number: 221381
Form 471 Application Number: 497516
Funding Request Number(s): 1372087
Your Correspondence Dated: October 17, 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): 1372087
Decision on Appeal: **Denied**
Explanation:

- Upon review of the letter of appeal and all relevant documentation, it has been determined that during PIA review, you were asked to provide a copy of the full contract, signed and dated by both parties covering this funding request. In your response dated September 18, 2006, you provided the same signed contract that you had submitted as part of your item #21 attachment. This contract has two signatures, but only one date. The date is at the top of page 1 of the 2 page letter agreement and both signatures were on page 2. There is no language in the contract that indicates the date of the signatures or the effective date of the contract. Furthermore, the last paragraph of the contract implies that the signatures did not occur on the same day. FCC rules require that a contract must be signed and dated by both parties on or after the Allowable Contract Date as

calculated by the Form 470 posting, but prior to the submission of the Form 471. On appeal, you have provided a copy of the same agreement that you provided during the original SLD review. You have not demonstrated that you have complied with FCC rules. Therefore, the appeal is denied.

- USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC Rules further require that both beneficiaries and service providers must retain executed contracts, signed and dated by both parties. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

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

December 29, 2005

Mimi Clarke Corcoran
Executive Director
Beginning with Children Foundation, Inc.
575 Lexington Avenue, 33rd Floor
New York, NY 10022

Re: Consultancy Agreement for services provided to Community Partnership Charter School, Entity Number: 221381

Dear Ms. Corcoran:

This letter acknowledges and confirms the agreement of the Community Partnership Charter School (Hereafter CPCS) to retain Beginning with Children Foundation, Inc. (Hereafter BwCF) for the purposes of providing the following consulting services: onsite maintenance, configuration, repair, and troubleshooting of all E-Rate eligible hardware and software, including but not limited to: Email, DNS, Web, DHCP and Domain Servers, network switches, firewall, wireless nodes, internet connections, and miscellaneous cabling at CPCS.

The term of this Agreement shall be from July 1, 2006 through June 30, 2007, for seven hours per week at the rate of \$120 per hour, not to exceed \$43,680. BwCF shall be paid upon submission of an itemization of the services performed.

Independent Contractor. BwCF hereby acknowledges and agrees that its relationship to CPCS shall be solely and exclusively that of independent contractor, and that, accordingly, BwCF alone is solely and exclusively liable for the payment of all taxes and contributions applicable to the moneys paid you by CPCS in exchange for the Consulting Services. As an independent contractor, BwCF is not eligible for, and shall not participate in, any employee pension, health or fringe benefit plan which is or may be provided by CPCS.

Confidential Information. During the term of this Agreement and thereafter, BwCF shall maintain with strict confidentiality all Confidential Information such as student records to which it has access while consulting for CPCS.

Termination. CPCS and BwCF shall have the right to terminate this agreement at will and without notice.

Modification. The terms of this Agreement may be modified or waived only by written agreement, signed by both of the parties.

If the foregoing accurately reflects our mutual understanding, please acknowledge your acceptance by signing below where indicated. Please return the original signed contract to Principal Melanie Bryon at CPCS and retain a copy for your files.

Very truly yours,
Community Partnership Charter School

By: 
Melanie Bryon
Principal
Community Partnership Charter School (CPCS)

Accepted and Agreed


Mimi Clarke Corcoran
Executive Director
Beginning with Children Foundation, Inc. (BwCF)

12 De Lucia Terrace
Loudonville, NY
12211

BEN - 221381



7005 3110 0003 7665 4860



Route

Tina

Delivery Point

TW-B204

OMD

PO#

Sdr COMMUNITY PARTNERSHI

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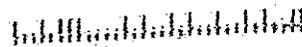
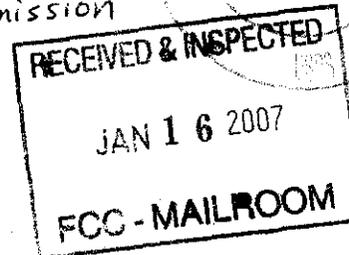
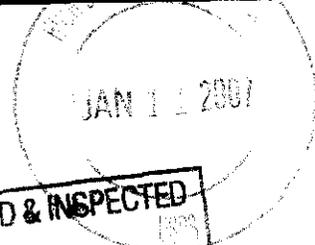


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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC. 20554



To the FCC

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

RECEIVED
January 8, 2007

Request for Waiver Funding Year 2005

Maryetta School
Route 6 Box 2840
Stilwell OK 74960-9452
918/696-2285
Fax: 918/696-6746
Contact: Geary Crofford
gcrofford@maryetta.k12.ok.us

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Billed Entity Name: Maryetta Elementary School
Billed Entity Number: 85384
Form 471 Application Number: 482137

I am a fulltime teacher at Maryetta, and my responsibilities also include after-school extended care, the Cherokee Cultural Program, the school science fair, the school chess team and club, and maintaining the school web site. In 2004 the school's E-Rate processing was turned over to me as well. At that point the technology plan and 470 forms were done for that year, so I started out with the 471 forms, and with no formal E-Rate training. I believed the 470 forms were only done every few years like the technology plan, so the next year I posted the school 471 forms in January as I had done the previous year. However, the system would not accept them until I had posted the 470 forms, which went back and did. Unfortunately I could not enter the 471 forms now until the 28 day window, of which I had no prior knowledge, had passed. I went ahead and submitted them only six days outside the window and hoped they would be accepted. I hope you will reconsider in light of the recent Bishop Perry order and allow my school's funding for 2005 because we are a small school in a poor rural area with a large Native American population, and because I regret intensely that the fact that I had no training and was swamped with my regular responsibilities, in addition to E-Rate, and this could hopefully be taken into account. Thank you.

Geary Don Crofford



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Universal Service Administrative Company
Schools & Libraries Division

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

January 04, 2007

Geary Don Crofford
Maryetta School
Route 6, Box 2840
Stilwell, OK 74960-9452

Re: Applicant Name: MARYETTA ELEMENTARY SCHOOL
Billed Entity Number: 85384
Form 471 Application Number: 482137
Funding Request Number(s): 1353344, 1353345, 1353346, 1353347, 1353349,
1353350, 1353351
Your Correspondence Dated: August 25, 2006

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2005 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request 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 a waiver request 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.

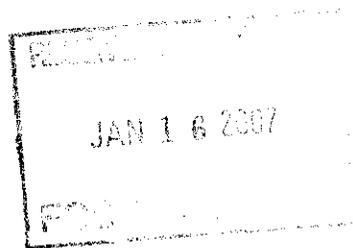
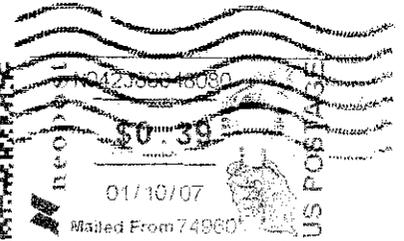
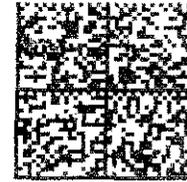
Schools and Libraries Division
Universal Service Administrative Company



Maryetta School
"National School of Excellence"
Carthel Means, Superintendent
Route 6, Box 2840
Stilwell, OK 74960

TULSA OK 741

10 JAN 2007



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

Washington, DC 20554



DO NOT WRITE IN THESE SPACES

WINDSOR PUBLIC SCHOOLS

Phone: (860) 687-2000 ext. 259
Fax: (860) 687-2009
E-Mail: fwilliams@windsorct.org

Frank Williams
Director of Business Services
601 Matianuck Avenue
Windsor, Connecticut 06095

January 9, 2007

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
445 12TH STREET, SW
ROOM TW-A325
WASHINGTON, DC 20554

REQUEST FOR REVIEW
CC DOCKET No. 02-6
CC DOCKET No. 96-45

TO WHOM IT MAY CONCERN:

The following is a Request for Review related to the USAC-SLD's decision of November 20, 2006. The Windsor Public Schools respectfully submits:

1. Contact Information:

Mr. Frank Williams
Director of Business Services
601 Matianuck Avenue
Windsor, CT 06095
P: (860) 687-2000 x259
F: (860) 687-2009
e-mail: fwilliams@windsorct.org

2. USAC-SLD Action to be Reviewed:

Funding Year:	2006
Document Date:	November 20, 2006
Applicant Name:	Windsor School District
BEN:	122315
Form 471 Application Number:	538782
Funding Request Numbers:	1492509, 1492510, 1492511, 1492512 & 1492513
Statement:	THIS LETTER IS AN APPEAL

3. Appeal Explanation:

The WINDSOR SCHOOL DISTRICT is appealing the decision made by the USAC-SLD that determined the USAC *could not have determined from the correspondence that our intention was any other than to cancel the entire application (Windsor FCDL, June 27, 2006)*. The exhibits are as follows and are considered to be facts:

- Mr. Uday Bhoopalam was assigned as the Program Integrity Assurance (PIA) reviewer of application 538782.

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- FRN 1492514 was a request for a new, high-speed wide area network to be implemented district-wide. The costs associated with this network were far greater than the costs associated with Windsor's basic telecommunications services.
- Mr. Bhoopalam asked multiple questions related specifically to FRN 1492514. When it became apparent that the school district could not pay its share of the proposed project, the decision was made to cancel FRN 1492514 and reapply for the 2007 funding year.
- Mr. Bhoopalam asked Mr. Frank Williams to send the directive to cancel FRN 1492514 in writing in a phone conversation on or about June 15, 2006.
- Mr. Frank Williams sent (*incorrectly*) the directive via e-mail on June 15, 2006 asking Mr. Bhoopalam to cancel Form 471 538782.
- On June 27, 2006, FRN's 1492509, 1492510, 1492511, 1492512, 1492513 and 1492514 were denied in the USAC-SLD's Funding Commitment Decision Letter (*FCDL*).
- Each funding commitment decision's explanation was the same: *FRN canceled in consultation with the applicant.*

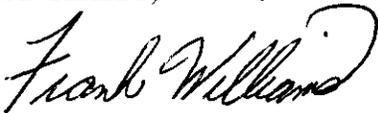
The Windsor School District insists that the USAC-SLD has erred in its original decision to cancel ALL of the FRN's on Form 471 538782. The correspondence and subsequent phone conversations regarding Form 471 538782 were all related to FRN 1492514. Prior to the sending of the e-mail on June 15, 2006, it was agreed on the phone with Mr. Bhoopalam that this singular FRN should be cancelled. Mr. Bhoopalam, upon receipt of the e-mail, should have contacted Mr. Williams a final time to ensure that the information being sent by the district was correct.

Mr. Bhoopalam did not consult with the Windsor School District to cancel all the FRN's or a single FRN on Form 471 538782.

Therefore, we are requesting in good faith of the program a reversal of the USAC-SLD's decision to deny the Windsor School District appeal and reinstate FRN's 1492509, 1492510, 1492511, 1492512 & 1492513.

I trust the above and the attached to be sufficient in processing our appeal. However, if you need any additional information please do not hesitate to contact me.

SINCERELY,



MR. FRANK WILLIAMS
DIRECTOR OF BUSINESS SERVICES
WINDSOR PUBLIC SCHOOLS
(file: FCC Appeal 538782 08JAN07)



WINDSOR PUBLIC SCHOOLS

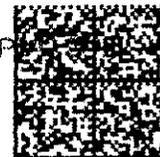
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