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Seattle Public Library

January 24, 2007

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

Fax #: 202-418-0187
Pages: 7

RE: Request for Review - CC Docket No. 96-45 and CC Docket No. 02-6

Dear Federal Communications Commission,

I am writing to request a review of an E-rate program funding request that was denied by the Universal Service Administrative Company in our original application and in a subsequent appeal to that agency. The Billed Entity Number is 145246, the 471 application number is 499339, and the funding request number is 1374262 for services from Cingular Wireless.

The denial was apparently based on a portion of the funding request for wireless data connection between the Library's bookmobiles and the Central Library's catalog and circulation system. This connection allows the bookmobiles to research materials in the library's collection and to check out items for patrons. There is no internet access through this connection which runs between two eligible entities.

After speaking with the original Program Integrity Assurance reviewer and 2 supervisors in that office, we were told that the denial on the Funding Commitment Decision Letter was a misunderstanding of the type of service being requested and that the funding should be approved through an appeal. However, the appeal was also denied.

Robert Spiller from the USAC Ombudmans office then reviewed the two denials and suggested that we appeal these decisions directly to the FCC to get the funding request approved (see attached email). He indicated that because the Library uses the term "Mobile Services" for its "bookmobile", the reviewers of the appeal may have misinterpreted the request to be for an ineligible entity.

Since all of the details of the funding request are included in our Letter of Appeal, I am attaching that letter for your information. Please note that the last paragraph of page one also includes a request for a further explanation for the funding reduction of two other funding requests. We have not received any acknowledgement of receipt or response to these questions.

If you have followup questions on our appeal, please direct them to our consultant Claire O'Flaherty at 206-523-5004 or claire@cofconsulting.com. We appreciate your assistance in clearing up this matter and look forward to a quick resolution. Thank you for your consideration.

Sincerely,



Marilyn Sheck
Information Technology Director

Attachments:

Email from Robert Spiller dated January 04, 2007-01-20 (1 page)

Letter of Appeal dated October 11, 2006 (2 pages)

Administrator's Decision on Appeal dated December 14, 2006 (2 pages)

Claire O'Flaherty

From: "Robert Spiller" <rspiller@usac.org>
To: <Claire@cofconsulting.com>
Sent: Thursday, January 04, 2007 6:12 AM
Subject: Inquiry - Seattle Public Library - BEN 145190 - Case # 21-513560 - Appeal FY2006 471-499339

Ms. O'Flaherty,

I reviewed the documentation concerning the initial review and subsequent denial of your appeal of FRN 1374262 in application 499399. Unfortunately, your only recourse at this point is to appeal the decision to the FCC. Based upon my analysis and review, I would strongly urge you to do so. The instructions for submitting this appeal can be found on our website at: <http://www.usac.org/sl/about/appeals/default.aspx>. Remember, you must submit the appeal within 60 days of the date on the denial of your appeal to USAC.

I would also suggest that you modify the name of entity 115037 currently named "Mobile Services" to "Bookmobile" to clarify that this is an eligible entity. In future applications I would also suggest that you clearly indicate that this conduit service from an eligible telecom provider is to connect to a Bookmobile on your item 21 attachment to the application.

In your appeal to the FCC, also stress that the service you requested is for a Bookmobile.

Regarding your decision to combine the two FRNs for Cingular cellular service on the application for increased flexibility on the estimated costs of the service, keep in mind that you are not limited by the billed amounts from the previous year. You can request some increase from the previous year's billing if you provide an explanation as to why the costs will be higher in the new funding year.

Don't hesitate to contact me if you have additional questions.

Regards,

Bob

J. Robert Spiller
Ombudsman Manager
Schools and Libraries Division
Universal Service Administrative Company
Office: 202-772-5232
Fax: 202-776-0080
rspiller@usac.org
www.usac.org

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1/5/2007



The Seattle Public Library

October 11, 2006

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

Fax: 1-973-599-6542

Pages: 5

Dear Correspondence Unit:

I am submitting an appeal to Funding Commitment Decision Letter dated September 26, 2006 for the Seattle Public Library's Program Year 2006-7 471 Application. The Billed Entity Number is 145246, the 471 application number is 499339, and the funding request number is 1374262 for services from Cingular Wireless. This FRN includes regular cell phone service and also a wireless connection between our Central Library and Mobile Services (bookmobiles). The FCDL decision explanation states that "30% or more of this FRN includes a request for Mobile Internet which is an ineligible product(s)/service(s) based on program rules".

Our Item 21 Attachment states that the denied portion of the FRN is for "monthly wireless connection service between Central Library and mobile library services". This service does not provide wireless internet access for the bookmobiles. It is currently the only technology available that allows the Mobile Services to access the main library catalog and circulation systems. This connection is used for staff and patrons to research reference materials and other items in the library's collection, and also to check out and return borrowed items. According to the FY2006 Eligibility List, "Digital Transmission Services refer to data links that connect multiple points, using any available technology". We believe that this item is eligible for these reasons and we request a reversal of this denial.

A copy of the original Item 21 Attachment and a portion of one of the invoices is attached for your review. Note that the part of the funding request in question was originally a separate FRN (#1374263) and it did not include the cell phone service. During PIA review, we consolidated all Cingular services into one FRN (1374262) that included both the Mobile Services connection and the cell phone services.

Two other funding requests from this same 471 application were modified by the SLD with reductions to "remove ineligible products/services". The two funding FRNs are 1374266 and 1374269. After reviewing our documentation, we are unable to determine which portions of these FRNs are ineligible and we would like to request a further review and explanation of these recalculations. If



The Seattle Public Library

these adjustments were made in error, we would also like to have them corrected and the original request funded in full.

If you have any questions regarding this appeal, you can contact our E-rate coordinator Claire O'Flaherty at 206-523-5004 or claire@cofconsulting.com. Her fax number is 206-729-3475. We appreciate your review of this application and look forward to a positive resolution of these issues.

Sincerely,

Marilyn A Sheck

Marilyn Sheck

IT Director

206-386-4637

marilyn.sheck@spl.org

Attachments:

Item 21 Attachment from original application (1 page)

Cingular invoice copy (2 pages)



Universal Service Administrative Company
Schools & Libraries Division

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

December 14, 2006

Marilyn Sheck
The Seattle Public Library
1000 Fourth Avenue
Seattle, WA 98104-1109

Re: Applicant Name: SEATTLE PUBLIC LIBRARY
Billed Entity Number: 145190
Form 471 Application Number: 499339
Funding Request Number(s): 1374262
Your Correspondence Dated: October 11, 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): 1374262
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has reviewed and assessed your appeal. USAC determined that this funding request was properly evaluated. The FRN was denied because 30% or more of this FRN includes a request for Monthly Wireless Connection Service (GPRS), which is an ineligible service based on program rules. The Item 21 Attachment sent to USAC identified Monthly GPRS Modem Service, which is 44.7% of the total funding request. FCC rules require that, if 30% or more of an applicant's funding request includes ineligible services, the funding request must be denied. Consequently, the appeal is denied.
- Your Form 471 application included costs for the following ineligible products and/or services: Wireless Connection Service (GPRS). FCC Rules provide that

Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981
Visit us online at: www.sl.universalservice.org

funding may be approved only for eligible products and services. 47 C.F.R. secs. 54.502, 54.503. The USAC website contains a list of eligible products and services. See the website, www.usac.org/sl, Eligible Services List. FCC Rules further require that if 30% or more of the applicant's funding request includes ineligible products and/or services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. 47 C.F.R. sec. 54.504(d).

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

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