

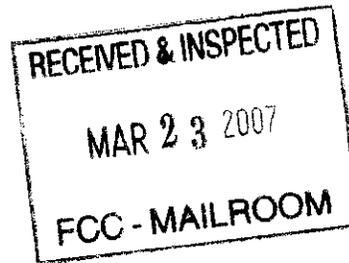
DOCKET FILE COPY ORIGINAL

This is a "Request for Review"

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

**Appeals case information pertaining to :**

Contact Person/Appellant - Anne Podhradsky  
Service Provider-Fort Randall Telephone Company  
SPIN-143009956  
Billed Entity-Wagner Public Library  
Address-106 Sheridan Avenue  
Wagner, SD 57380-9701  
Phone 605-384-3116  
Email Address- ~~XXXXXXXXXXXX~~  
Billed Entity Number 134191  
FCC RN: 001401309



This appeal applies to the FUNDING COMMITMENT DECISION LETTER of funding year 2006: 7/01/2006 - 6/30/2007, dated April 26, 2006 that denied funding because I had not filed a Form 470.

Please refer to Form 471 application number: 501810

Applicant's Form Identifier: 471-06-07

Funding Request Numbers: 1379801, 1379812, and 1379821

In support of this appeal, I'll first refer to the 2005-2006 funding year for which I applied.

On August 2004, I took over the position of head librarian for a small, rural library. I was told by the retiring librarian to watch the

E-Rate filing window and submit BEAR forms twice a year. To familiarize myself with E-Rate, I went through old files to gather information on preparing our Form 471 request. I also referred to the guideline provided by USAC and called USAC service representatives. During my calls I asked for clarification on terminology, asked to have questions answered, and looked for guidance.

As I was reading through the FCC Form 471 instructions on page 4 under section B, set-forth below, I had many questions.

Said Form 471 instructions states as follows:

**"A Form 470 must be posted for at least 28 days and a contract must be signed by the applicant and service provider for all services, except non-contracted tariffed or month-to-month services, before submitting a completed Form 471 to the SLD."**

Our library does receive month-to-month services, so based on the instruction above it appeared I would not need to post a Form 470. I wanted to verify this interpretation, so I contacted USAC. I first emailed the question of whether Form 470 would need to be filed by our library and received a reply stating that it

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

appeared that I would not need to, but that additional case specifics would be needed to confirm that. With that I followed up my email with a phone call to USAC and provided the information as requested. (Case #21-176476 should offer more details involving my email and phone calls). The USAC representative that I discussed the case with told me that I did not need to file a 470, and that I should contact my service provider to confirm that they would continue to offer service in the area. I did and was assured that they would continue to offer service in the area. The representative knew that based on the assistance provided, I would not be filing a Form 470. **Hence, for the 2005/2006 funding year I filed Form 471, without Form 470, and our library was approved for funding that year.** (Please refer to FUNDING COMMITMENT DECISION LETTER (UNDER YEAR 2005: 07/01/2005 - 6/30/2006) Dated September 21, 2005. Form 471 Application Number :489134. Funding Request Numbers 1356744, 1356746 and 1356747). On January 20, 2006, I followed the exact same procedure when applying for funding for the 2006/2007 funding year. However, this year my funding request was denied. See funding denied case # 21-413921. Our library was denied, I was told, because I failed to file a Form 470. I pointed out that I had not filed one for the 2005/2006 funding year based upon the advice of USAC and had received funding. No explanation was provided for why our library received funding for the 2005/2006 funding year, but not for the 2006/2007 funding year, even though the exact same USAC approved procedure was used. Obviously, you can see my frustration. I am a librarian for a small, rural library and, as such, have no special training or experience. To be told that our little library is not receiving much needed funding because of something I failed to do is very upsetting and is simply not accurate given what I have set-forth above. Therefore, I am asking that you review your denial of our 2006/2007 funding request and grant funding based on the documents filed, allow me to file a Form 470 now, or for any other remedy that may be appropriate under the circumstances. Our library is used upon by many patrons from the towns of Avon, Wagner, Delmont, Dante, Pickstown, Lake Andes, and Marty, along with the surrounding farming area, Colonies, and members of the Yankton Sioux Indian Reservation. The language in the instruction manual concerning this issue is ambiguous. A "note" on page 23 of this 35 page instruction manual seemingly contradicts the instructions given on page 4. However, USAC interpreted the instructions to read that no Form 470 would be needed for our library since we receive month-to-month services; an interpretation that could be gleaned by any reasonable applicant. To have an instruction manual state that no Form 470 is needed for libraries receiving month-to-month services on page 4, only to have the same manual state that a Form 470 is needed on page 23 is not reasonable. Please don't deny our funding request based on this ambiguity. If denied, I would like to request a waiver from the FCC, however, it is my understanding that a request for waiver should not be filed until after you have made final decision concerning this appeal. Thank you for your consideration of this matter and if you should need any further or other information, please feel free to contact me. -- ANNE PODHRADSKY

# USAC

Schools and Libraries Division  
Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, New Jersey 07981

**TIME SENSITIVE MATERIAL**

00028  
WAGNER PUBLIC LIBRARY  
Anne Podhradsky  
RR 1 BOX 6  
106 SHERIDAN AVENUE  
WAGNER, SD 57380-9701





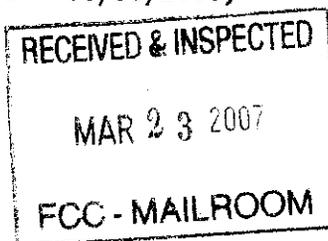
# Universal Service Administrative Company

Schools & Libraries Division

**Revised Funding Commitment Decision Letter**  
(Funding Year 2006: 07/01/2006 - 06/30/2007)

February 5, 2007

WAGNER PUBLIC LIBRARY  
Anne Podhradsky  
RR 1 BOX 6  
106 SHERIDAN AVENUE  
WAGNER, SD 57380-9701



RE: Form 471 Application Number: 501810  
Billed Entity Number: 134191  
Applicant's Form Identifier: 471-06-07

This letter is your notification that your appeal has been resolved and is the official Revised Funding Commitment Decision letter (RFCDL) providing you with the dollar value and other details of the funding commitment(s) made for the FCC Form 471 Application identified above in response to your appeal.

The Funding Commitment Report (Report) that follows this Revised FCDL contains a list of items that were included in your original FCDL. An explanation of the items in the attached report is included in the sample FCDL posted to the SLD section of the USAC web site, and was included in your original FCDL. Depending on the nature of your appeal, this Report may have been updated to reflect the new total amount of discount for a funding request. Applicants should use THIS updated information when completing the FCC Form 486, if Form 486 has not already been submitted.

This same information is being sent to the service provider(s) whose Service Provider Identification Number (SPIN) was featured in your funding request(s). We urge you to contact your service provider(s) to make any necessary arrangements regarding delivery of service and provision of your discounts.

#### IMPLEMENTATION TIMEFRAME

The Federal Communications Commission (FCC) released on June 29, 2001, an Order extending the implementation period for non-recurring services. Any non-recurring service for which funds are committed in this letter may be delivered and installed up to September 30, 2007. Support for recurring services, however, is available only for services provided during the period July 01, 2006 through June 30, 2007.

If Forms 486 have not already been submitted for these services provided by this service provider as identified by the SPIN in the attached Funding Report, Forms 486 must be received or postmarked no later than 120 days after the Service Start Date, or 120 days after the date of an FCDL that approves funding, whichever is later, to receive discounts retroactively to the Service Start Date. If any funding was approved in the original FCDL and any services were provided by the service provider whose SPIN was referenced in the original Funding Report, the deadlines described above are calculated based on the original FCDL. If these services are approved as a result of a SPIN Correction, a new Form 486 will be required to allow invoicing for such services.

#### NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step will be to facilitate receipt of discounts as explained in this letter.

**RECURRING SERVICES:** In order to receive reimbursement, you must file Form 486, Receipt of Service Confirmation Form, if it has not already been filed. The Form 486 notifies the SLD that services have been delivered. It also provides certified indication that your technology plan(s), if required, has been approved. The Form 486 and instructions are posted on the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). You may also contact the SLD Client Service Bureau by fax at 1-888-276-8736 or by phone at 1-888-203-8100 and ask that the form and instructions be sent to you. The Form 486, dated August 2003 in the lower right corner, MUST be used. As you complete Form 486, you should also contact your service provider(s) to verify they have received notice from the SLD of your funding commitment(s). After the SLD processes your Form 486, we can begin processing invoices for those discounted services (either the FCC Form 472, Billed Entity Applicant Reimbursement Form filed by the applicant or the FCC Form 474, Service Provider Invoice Form filed by the service provider).

**NON-RECURRING SERVICES:** Since these commitments come well after your application was submitted, it is possible that Contract Expiration Dates indicated on the FCC Form 471 will have passed. The attached Funding Commitment Report for this application includes the Contract Expiration Date from the Form 471, if provided. FCC rules grant a limited extension for contracts for non-recurring services. "[C]ontracts for nonrecurring services may be voluntarily extended to coincide with the appropriate deadline for the implementation [of delivery and installation for nonrecurring services]. Parties may not, however, extend other contractual provisions beyond the dates established by the Commission's rules without complying with the competitive bidding process." [FCC 01-195, released June 29, 2001]. If you have been waiting for this commitment letter before directing your service provider to start non-recurring service and if the Contract Expiration Date on the Form 471 has passed, the SLD will not be able to process a Form 486 with a reported Service Start Date after the Contract Expiration Date. If this is true for you, you should first negotiate a contract extension with your service provider and then file an FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form, to notify the SLD of the new Contract Expiration Date. After submitting the Form 500, your next step will be to file the Form 486 with the SLD.

If you have any questions about this Revised FCDL, please call our Client Service Bureau.

#### TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - application number as assigned by USAC,
  - name of the letter and funding year - both are located at the top of the letter, AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (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 by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. 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.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that Universal Service Administration Company (USAC) and/or the Federal Communications Commission (FCC) may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: WAGNER PUBLIC LIBRARY  
BEN: 134191  
Funding Year: 2006

Form 471 Application Number: 501810  
Funding Request Number: 1379801  
Funding Status: Not Funded  
Category of Service: TELCOMM SERVICES  
Form 470 Application Number: 546990000471183  
SPIN: 143009956  
Service Provider Name: Fort Randall Telephone Company  
Contract Number: MTM  
Billing Account Number: 605-384-5248  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 134191  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$406.92  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$406.92  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - 470 Not Filed  
Funding Commitment Decision Explanation: The ERN references services that require a posting of a 470 for each Funding Year.

Revised FCDL Date: 02/05/2007  
Appeal Wave Number: A04

Form 471 Application Number: 501810  
Funding Request Number: 1379812  
Funding Status: Not Funded  
Category of Service: TELCOMM SERVICES  
Form 470 Application Number: 546990000471183  
SPIN: 143009956  
Service Provider Name: Fort Randall Telephone Company  
Contract Number: MTM  
Billing Account Number: 605-384-5248  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 134191  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$336.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$336.00  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - 470 Not Filed  
Funding Commitment Decision Explanation: The ERN references services that require a posting of a 470 for each Funding Year.

Revised FCDL Date: 02/05/2007  
Appeal Wave Number: A04

FUNDING COMMITMENT REPORT  
Billed Entity Name: WAGNER PUBLIC LIBRARY  
BEN: 134191  
Funding Year: 2006

Form 471 Application Number: 501810  
Funding Request Number: 1379821  
Funding Status: Not Funded  
Category of Service: INTERNET ACCESS  
Form 470 Application Number: 54699000471183  
SPIN: 143009956  
Service Provider Name: Fort Randall Telephone Company  
Contract Number: MTM  
Billing Account Number: 605-384-5248  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 134191  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$227.40  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$227.40  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - 470 Not Filed  
Funding Commitment Decision Explanation: The ERN references services that require a posting of a 470 for each Funding Year.

Revised FCDL Date: 02/05/2007  
Appeal Wave Number: A04

RECEIVED & INSPECTED  
MAR 23 2007  
FCC - MAILROOM

FCC  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

