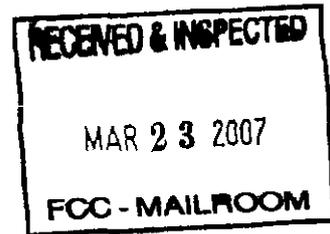


Our Lady of Fatima School
25-38 80th Street
Jackson Heights, NY 11370



March 19, 2007
CC Docket No. 02-6 & CC Docket No. 96-45
Request for Review of a decision made by USAC
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

DOCKET FILE COW ORIGINAL

Re: Form 471 Application Number: 528095
Billed Entity Number: 12347
Billed Entity FCC RN: 0011966413
Applicant's Form Identifier: 4710607NET
Funding Request Number: 1456585

To Whom it May Concern:

I **am** filing an appeal to a decision rendered by the Universal Service Administrative Company (USAC) Schools & Libraries Division. Our school was denied Internet Access funding for funding year 2006-2007. The reason given for the denial was "Bidding Violation". We sent an appeal to the USAC and were also denied. The reason given was "When selecting a provider, Prices/Charges were weighted the same 20% as the other factors". *see attached decisions*

In January of 2006 we received 2 bids for our Internet access. One from our provider at the time, Metcomm.net and one from a company named Autoexec. The Autoexec bid was lower than the Metcomm.net bid so, we were prepared to change providers for the next school year. Metcomm.net then counter-bid and offered us a lower bid than Autoexec. *see attached bids* I completed the E-rate Bid Assessment Worksheet in error and have attached a corrected one. When looking at the first worksheet, it appears that we put the same weight on all aspects of our decision. But, in truth we ultimately selected Metcomm.net because they offered us a lower bid than Autoexec. Is not competitive bidding the reason for offering the funding? I was under the impression that you want competitive bidding to occur as a result of the funding being offered. I believe that competitive bidding occurred in this case and **PRICE WAS THE PRIMARY FACTOR IN SELECTING OUR INTERNET PROVIDER.**

No. of Copies rec'd 0
List ABCDE

FUNDING COMMITMENT REPORT
Billed Entity Name: OUR LADY OF FATIMA SCHOOL
BEN: 12347
Funding Year: 2006

Form 471 Application Number: 528095
Funding Request Number: 1456584
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 45580000545072
SPIN: 143001359
Service Provider Name: Verizon New York Inc.
Contract Number: MTM
Billing Account Number: 7184297031.614.170
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 12347
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,600.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$3,600.00
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$2,880.00 - FRN approved as submitted

FCDL Date: 12/27/2006
Wave Number: A02
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1456585
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 45580000545072
SPIN: 143025807
Service Provider Name: METCOMM.NET, LLC
Contract Number: 200512111621
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 12347
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$8,340.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$8,340.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: Documentation provided demonstrates that the price of eligible products and services was not the primary factor in selecting the winning bidder.

PCDL Date: 12/27/2006
Wave Number: A02
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007



Universal Service Administrative Company
Schools & Libraries Division

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

February 13, 2007

Jill Hernandez
Our Lady of Fatima School
25-38 80th Street
Jackson Heights, NY 11370-1517

Re: Applicant Name: OUR LADY OF FATJMA SCHOOL
Billed Entity Number: 12347
Form 471 Application Number: 528095
Funding Request Number(s): 1456585
Your Correspondence Dated January 10, 2007

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): 1456585
Decision on Appeal: Denied
Explanation:

- During the Appeal Review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. During the Selective Review, you were sent the Selective Review Information Request (SRIR) on May 4, 2006, requesting information pertaining to vendor selection and number of bids received. In your June 2, 2006 response to the Reviewer, you indicated that two bids were received for this funding request and your evaluation criteria used clearly states that Prices/Charges was weighted the same 20% as the other factors (Understanding of Needs, Prior Experience, Personal Qualifications, and Financial Stability) when selecting the winning bid. Based on your response, USAC supports the denial of the funding request because price was not the

primary factor in the vendor selection process. **You failed to provide evidence that USAC erred in its decision; consequently, the appeal is denied.**

- **FCC Rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. 47 C.F.R. sec. 54.511(a); Request for Review by Ysleta Independent School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. See Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).**

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

Our Lady of Fatima School
25-38 80th Street
Jackson Heights, NY 1 1370
(718) 429-7031

February 8, 2006

Entity # 12347

Vendor Selection ~~Process~~ Description

After reviewing the bids for our T1 Internet Access, we have determined that we should stay with Metcomm.net (our current internet provider).

Metcomm.net send us a bid on January 17, 2006. This bid was for \$757.50a month. This was \$152.50 more than we were already paying.

We received a bid from AutoExec Computer Systems, Inc. for our T1 internet access. This bid was for \$750.00a month.

I called Metcomm.net and told them that we were planning to change our internet provider because of the high bid. They offered us a new bid for \$695.00 per month.

We examined our options and the lower price led us to sign with Metcomm.net for our T1 internet access.

1st Bid for Internet Access

MetComm.Net

Proposal Date: 17-Jan-06

131 Main Street, Suite 270 Hackensack, NJ 07601

SPIN:	143025807
E-rate Contract #:	200612111621
Multi-Year Con#:	
FRN#:	

Phone: (212) 725-0500
 Fax: (201) 342.5470
 E-mail: billing@metcomm.net

Internet Access Services Agreement

Client	Our Lady of Fatima 25-38 80th Street Jackson Heights, NY 11370 Client Phone: Client Fax: (718) 898-2811 Discount: 80% Contract Start Date: 1-Jul-06 Contract End Date: 30-Jun-07	E-rate Funding Year	TERM in Years 1	Renew Years
		Out 01:	1	
		Client Contact:	Ms. Jill Hernandez	
		Title:	IT Coordinator	
		Contact's E-mail:	J1HNYYANKS@cs.com	
		Billing contact:		
		Billing phone:		

Allowable Contract Date:

			Monthly Reoccurring Cost	None Reoccurring Cost
- Bundled T1 Internet Access	1 Loops	@	\$757.50	\$757.50
- Point To Point WAN/Voice LINK	Loops	@		
- Wide Area Network Installation, programming & wiring fee	Units	@	5550.00	
- Router Installation, Programming & Integration	Units	@	\$495.00	
- Router & CSU/DSU - One Year Lease	Units	@	\$1,995.00	
- Wide Area Network Transfer Fees:				Included
- Domain Name Registration	Years	@	\$49.00	
- Domain Name Hosting	1 Site	@	519.00 INCLUDED	
- Web Hosting	1 Site	@	\$49.00 INCLUDED	
- E-mail Account Fees:	2 accounts	@	\$2.00 INCLUDED	
- E-mail Maintenance Fees:	2 accounts	@	\$3.00 INCLUDED	
- E-mail Spam & Virus Defense	2 accounts	@	\$2.00 INCLUDED	
- Dial-up Analog	Accounts	@	\$20.00	
- Dial-up ISDN	Accounts	@	\$79.00	
- Firewall Service	Accounts	@	\$195.00	

Total cost of eligible services:

\$757.50
 \$151.50
 Per month

Note: See terms and conditions provided under separate cover

Applicant: Our Lady of Fatima
 Name:
 Title:
 Signature:
 Contract Date:

For: MetComm.Net, LLC
 Solly Avi-No'am
 Director Technical Services

Solly Avi-No'am 1/17/2006 Rev: 200511081019

Applicant has the option to discontinue or scale down service if denied the requested e-rate funds.

Item 21 Attachment # _____	Our Lady of Fatima School Jill hernandez
Form Identifier: _____	25-38 80 th Street Jackson Heights, NY 11370-1517
471 Application # _____	

Bid by Autoexec for Internet Access

To: Jill Hernandez @ Our Lady of Fatima School
From: John A. Comito
Date: 6th February 2006
Re: Contract for **Internet Access - recurring charges**

E-Rate Eligible Dedicated Internet Access: \$750.00 per month
 *includes **Verizon T1** local loop & internet access
 Full T1 service at 1.5 Mbps Bandwidth

12 monthly recurring charges of \$750.00 for an annual pre-discounted total of: \$9,000.00

Service Provider **Number** for AutoExec Computers: **143004783**

Contract # I2006OLFS Start Date: 07/01/2006 Expiration Date: 06/30/2007

Contract is contingent upon your school receiving SLD funding.

Our Lady of Fatima School

AutoExec Computer Systems, Inc.

John A. Comito

by

by

 Print Name and Title

John A. Comito - President

Date

Date

6th February 2006

2ND Bid for Internet Access - Selected Bid

MetComm.Net

Proposal Date: 8-Feb-06

131 Main Street, Suite 270 Hackensack, NJ 07601

Phone: (212)725-0500

SPIN: 143025807

Fax: (201) 342-5470

E-rate Contract #: 200512111621

E-mail: billmgDmeuornrn.net

Multi-Year Con#:

FRN#:

Internet Access Services Agreement

Client: Our Lady of Fatima
2538 80th Street
Jackson Heights, NY 11370

Client phone:
Client Fax: (718) 899-2811

Discount: 80%

contract Start Date: 1-Jul-06
Contract End Date: 30-Jun-07

Allowable Contract Date:

E-rate Funding Year
TERM In Years 1 **Renew**
Out of : 1 **Years**

Client Contact: Ms. Jill Hernandez
Title: IT Coordinator
Contact's E-mail: JIHNWANKSOw.COM

Billing contact:
Billing phone:

			Monthly Recurring Cost	None Recurring Cost
- Bundled T1 Internet Access	1 Loops	⊗	\$695.00	\$695.00
- Point To Point WAN/Voice LINK	Loops	⊗		
- Wide Area Network Installation, programming & wiring fee	Unit	⊗	1550.00	
- Router installation & Integration	Units	⊗	\$495.00	
- Router & CSU/DSU - One Year Lease	Units	⊗	\$1,995.00	
- Wide Area Network Installation				Included
- Domain Name Registration	Y	⊗	\$49.00	
- Domain Name Hosting	1 Site	⊗	\$19.00 INCLUDED	
- Web Hosting	1 Site	⊗	\$49.00 INCLUDED	
- E-mail Account Fees:	2 accounts	⊗	\$2.00 INCLUDED	
- E-mail Maintenance Fees:	2 months	⊗	\$3.00 INCLUDED	
- E-mail Spam & Virus Defense	2 accounts	⊗	\$2.00 INCLUDED	
- Dial up Analog	Accounts	⊗	\$20.00	
- Dial up ISDN	Accounts	⊗	\$79.00	
- File Transfer Service	Accounts	⊗	\$195.00	
Total cost of eligible services:			\$695.00	\$139.00
				Per month

Note: See terms and conditions provided under separate cover

Applicant: Our Lady of Fatima
Name: Cassie Zelic
Title: Principal
Signature: *Cassie Zelic*
Contract Date: 2/8/06

For: MetComm.Net, LLC
Solly Avi-Ne'Am
Director Technical Services

Solly Avi-Ne'Am 2/8/2006 Rev: 200511081019

Applicant has the option to discontinue or scale down service if denied the requested e-rate funds

GRID THAT I COMPLETED
IN ERROR Page 1 of 1

E-Rate Bid Assessment Worksheet
Funding Year ~~2004~~ 2006

Project or Service
Description

Internet Access - T1 Line FRN # 1456585

Vendor Scoring (use additional worksheets if necessary)

Selection Criteria	Weight*	Vendor # 1		Vendor # 2		Vendor # 3		Vendor # 4		Vendor # 5	
		Raw Score..	Weighted Score**	Raw score	SCORE	Raw score	Weighted SCORE	Raw Score	Weighted score	Raw Score	Weighted Score
Prices/Charges	20%	3	60	4	80						
Understanding of Needs	20%	4	80	5	100						
Prior Experience	20%	2	40	5	100						
Personnel Qualifications	20%	3	60	4	80						
Financial Stability	20%	3	60	4	80						
Other (describe)											
Other (describe)											

Overall Ranking 100% 300 540

Vendor Selected: METROCOMM.NET
Approved By: *Cassie Zick*
Title: PRINCIPAL
Date: 2/8/06

Notes:

- ** Percentageweights must add up to 100%. Price must be weighted the heaviest
- ** Evaluated on a scale of 1 to 5: 1=worst, 5=best.
- *** Weight x Raw Score

Revised Worksheet - Corrected

E-Rate Bid Assessment Worksheet
Funding Year ~~2004~~ 2006

Page 1 of 1

Project or Service
Description

Internet Access - T1 Line Frn # 1456585

Vendor Scoring (weadditional worksheets if necessary)

Selection Criteria	Weight*	Vendor # 1		Vendor # 2		Vendor # 3		Vendor # 4		Vendor # 5	
		Raw Score**	Weighted Score***	Raw Score	Weighted Score						
Prices/Charges	60%	3	180	5	300						
Understanding of Needs	10%	3	30	4	40						
Prior Experience	10%	2	20	5	50						
Personnel Qualifications	10%	3	30	3	30						
Financial Stability	10%	3	30	4	40						
Other (describe)											
Other (describe)											

Overall Ranking

100%

290

460

Vendor Selected: Metcomm.net
Approved By: Cassie Feliz
Title: Principal
Date: 2/13/07

Notes:

- ** Percentage weights must add up to 100%. Price must be weighted the heaviest.
- Evaluated on a scale of 1 to 5: 1=worst, 5=best.
- *** Weight x Raw Score

J. Hernandez
Our Lady of Fatima School
25-38 80TH ST.
Jackson Hts, NY 11370

E954 9262 4000 0622 4002



CERTIFIED MAIL



0000

U.S. POSTAGE
PAID
FLUSHING, NY
MAR 21 2007
PMOUNT

\$3.27



0000

U.S. POSTAGE
PAID
FLUSHING, NY
MAR 21 2007
PMOUNT

\$1.85
00014261-07

Route
Tina
Delivery Point

TW-B204

03/23/07
13:28:20

ONE
POB
SOF OUR LADY OF FATIMA S
70042890000479264563



W10200532E

CC Docket No. 02-6: CC Docket No. 96-45
Request for Review of a decision made by USAC
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, VA 20743

RECEIVED & INSPE

MAR 23 200

FCC - MAILRO