

Our Lady of Fatima School  
25-38 80\* 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 COPY ORIGINAL

Re: Form 471 Application Number: 528095  
Billed Entity Number: 12347  
Billed Entity FCC RN: 001 1966413  
Applicant's Form Identifier: 4710607NET  
Funding Request Number: 1456585

To Whom it May Concern:

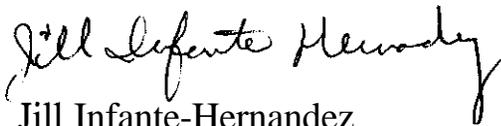
I am filing an appeal to a decision rendered by the Universal Service Administrative Company (USAC) Schools & Libraries Division. Our school was denied Internet Access funding for funding year 2006-2007. The reason given for the denial was "Bidding Violation". We sent an appeal to the USAC and were also 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

Please consider reversing the decision of the USAC because, as a struggling Catholic School, this funding would be the only way that our students would be able *to* access the important educational opportunities that are available on the Internet.

Thank you for our attention to this matter. If you have any questions, please contact me.



Jill Infante-Hernandez

(718) 429-7031

fax: (718) 899-2811

email: [JIHNYANKS@CS.COM](mailto:JIHNYANKS@CS.COM)



Cassie Zelic

Principal



## Universal Service Administrative Company

Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2006: 07/01/2006 - 06/30/2007)

December 27, 2006

JILL HERNANDEZ  
OUR LADY OF FATIMA SCHOOL  
25-38 80 STREET  
JACKSON HEIGHTS, NY 11370-1517

Re: **Form 471** Application Number: 528095  
Billed Entity number (**BEN** : 12347  
Billed Entity FCC RN: 0011966413  
Applicant's Form Identifier: **4710607NET**

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$2,880.00 is "Approve\$."
- The amount, \$6,672.00 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

### NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) " as products and services are being delivered and billed

### TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC 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) email 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 letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 528095 as assigned by USAC
  - "Funding Commitment Decision Letter for Funding Year 2006," AND
  - The exact text or the decision that you are appealing.

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

Form 471 Application Number: 528095  
Funding Request Number: 5456584  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 455800000545072  
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 2712006  
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: 455800000545072  
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: \$8.00 - 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.

FCDL Date: 12 2712006  
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 FATIMA 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 (SRLR) 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 98-11 10 (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 80<sup>th</sup> Street  
Jackson Heights, NY 11370  
(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 \$757.50 a 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 \$750.00 a 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.

1<sup>st</sup> Bid for Internet Access

# MetComm.Net

Proposal Date: 17-Jan-06

131 Main Street, Suite 270 Hackensack, NJ 07601

Phone: (212) 725-0500  
Fax: (201) 342-5470  
E-mail: biiing@metcomm.net

SPIN: 143025807  
E-rate Contract #: 200512111621  
Multi-Year Con#:   
FRN#:

## Internet Access Services Agreement

Client: Our Lady of Fatima  
25-38 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

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: JiHNYANKS@cs.com  
Billing coniaci:  
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	Q	5550.00		
- Router Installation, Programming & Integration	Units	@	5495.00		
- 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	@	549.00	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	@	52.00	INCLUDED	
- Dial-up Analog	Accounts	@	\$20.00		
- Dial-up ISDN	Accounts	@	579.00		
- Firewall Service	Accounts	@	\$195.00		
<b>Total cost of eligible services:</b>				<b>\$757.501</b>	
				<b>6151.50</b>	
				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**  
**Form identifier:** \_\_\_\_\_ **Jill hernandez**  
**471 Application #:** \_\_\_\_\_ **25-38 80<sup>th</sup> Street**  
**Jackson Heights, NY 11370-1517**

*Bd Autoexec for Internet Access*

**To:** Jill Hernandez @ Our Lady of Fatima School  
**From:** John A. Comito  
**Date:** 6<sup>th</sup> 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

6<sup>th</sup> February 2006

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

2<sup>ND</sup> Bid for Internet Access  
- Selected Bid

# MetComm.Net

Proposal Date: 8-Feb-06

131 Main Street, Suite 270 Hackensack, NJ 07601  
 SPIN: **143025807**  
 E-rate Contract # **200512111621**  
 Multi-Year Con#:   
 FRN#:   
 [Redacted]

Phone: (212) 725-0500  
 Fax: (201) 342-5470  
 E-mail: [billing@metcomm.net](mailto: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) 899-2811  
 Discount: 80%  
 Contract Start Date: 1-Jul-06  
 Contract End Date: 30-Jun-07

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: [JIHNYANKS@cs.com](mailto:JIHNYANKS@cs.com)  
 Billing contact:  
 Billing phone:

Allowable Contract Date:

			Monthly Reoccurring cost	None Reoccurring Cost
- Bundled T1 Internet Access	1 LOOPS	@	\$695.00	\$695.00
- Point To Point WAN/Voice LINK	LOOPS	@		
- Wide Area Network Installation, programming & wiring lee	Units	@	\$550.00	
- Router Instaiiation. Programming & Integration	Units	@	\$495.00	
- Router 8 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	@	\$19.00 INCLUDED	
- Web Hosting	1 Site	@	\$49.00 INCLUDED	
- E-mail Account Fees:	2 accounts	@	52.00 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	
<b>Total cost of eligible services:</b>				<b>\$695.001</b> <b>\$139.00</b> 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-No'am  
 Director Technical Services

**P** —

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	Weighted Score						
Prices/Charges	20%	3	60	4	80						
Understanding of Needs	30%	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: MEP COMM. NET  
 Approved By: Carmen Zela  
 Title: PRINCIPAL  
 Date: 2/8/06

- 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

# 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

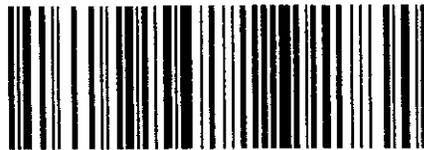
Vendor Scoring (use additional worksheets if necessary)

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: netcomm.net  
 Vendor S: feliz  
 Approved By:  
 Date: Pr 3/13/07

- 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

E954 9262 4000 0682 4002



**CERTIFIED MAIL**



0000

U.S. POSTAGE  
PAID  
FLUSHING, NY  
11369  
MAR 21, 07  
AMOUNT

\$3.27



0000

U.S. POSTAGE  
PAID  
FLUSHING, NY  
11369  
MAR 21, 07  
AMOUNT

\$1.85  
00014261-07

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

Route

**Tina**

Delivery Point

**TW-B204**

03/23/07  
13:28:20

OMD

PO#

Sdr OUR LADY OF FATIMA S

7004289000479264563



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, MD  
20743

RECEIVED & INSPE  
MAR 23 2007  
FCC-MAILROOM