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SCHENECTADY CITY SCHOOL DISTRICT
108 Education Drive
Schenectady, NY 12303

May 31, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

CG 02-6

Re: **Letter of Appeal of Funding Commitment Decision Letter Issued October 12, 2005 & the Administrator's Decision on Appeal Issued April 26, 2007**
Applicant Schenectady City School District
Form 471 Application No. 461681
Funding Year 2005 (07/01/05 – 06/30/2006)
Billed Entity No. 124157
Funding Request No. 1275491

Dear Sir or Madam:

On October 12, 2005, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") issued the above-referenced Funding Commitment Decision Letter that denied Applicant Schenectady City School District's ("Schenectady CSD") request for universal service support funding for internal connections from New England Systems and Software Inc. ("NESS" or "Company"). The basis for denial of Schenectady CSD's funding request was explained in the Funding Commitment Decision Letter as follows:

*The dollars requested were reduced to remove the ineligible product (s)/service(s):
Forethought Service Provider License.*

With this letter, Schenectady City School District hereby appeals the SLD's October 12, 2005 Funding Commitment Decision Letter and the Administrators Decision on Appeal dated April 26, 2007.

The basis of our appeal is that the Eligible Services Lists states that, in fact, the item is eligible.

The Eligible Service list states that "A router and the core router operation system are eligible..." This item is the router operating system. Under program rules operating systems are eligible. The equipment will not operate without it.

Funding should be restored to \$28,336.05. The same appeal was approved to 471 application 464093 FRN 1275649.

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The Administrators Decision on appeal issued April 26, 2007 was denied because the appeal filing was postmarked outside the 60 day filing window. The letter states that the FCC rules do not permit the Universal Service Administrative Company (USAC) to consider the appeal. We believe there is a basis for further examination. In light of the Bishop Perry Order (FCC 06-54), we would appreciate the opportunity to provide the SLD with any additional information they need to approve this application since a similar appeal was approved to 471 application 464093 FRN 1275649.

Given that the denial of funding in this case was based on merely an administrative error by the SLD as to the eligible and ineligible functions of the Forethought Service provider License, the Parties respectfully request that the SLD expeditiously process this Letter of Appeal and immediately approve the funding commitment for Schenectady CSD. The denial of funding for an administrative error places a particular hardship on a school district such as Schenectady CSD that otherwise should have been approved for and received E-rate funding for its application. Accordingly, your prompt attention to this appeal is appreciated.

We appreciate your attention to this matter.

Please direct any questions regarding this Letter of Appeal to the following:

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Respectfully submitted,



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