

Irene Sumida  
Director

Joe Lucente  
Adviser

Jan Brydie  
Assistant Director  
Curriculum and Instruction

Carolynl McConnell  
Assistant Director  
School-Community Relations



## FENTON AVENUE CHARTER SCHOOL

A California Public Charter School

11828 Gain Street • Lake View Terrace, CA 91342

(818) 896-7482 • Fax (818) 890-9986

September 7, 2007

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

**Subject: CC Docket No. 02-6 and CC Docket No. 96-45**  
**Request for Waiver of "120-DAY 486 DEADLINE" rule cited on**  
**Form 486 Notification Letter (Funding Year 2006: 07/01/2006 – 06/30/2007) dated**  
**July 11, 2007 for**  
**FENTON AVENUE CHARTER SCHOOL, Billed Entity Number: 102587**  
**Form 471 Application Number: 537333, Funding Request Number: 1488074**  
**Form 486 Application Number: 397545, Applicant's Form 486 Identifier: y9486ic**

Dear Ms. Dortch:

Fenton Avenue Charter School respectfully submits this formal request for waiver of the program rule invoked by the SLD that changed the Service Start Date on FRN 1488074, triggering a reduction in the funding commitment:

- The Service Start Date submitted on the Form 486 was 7/01/06; SLD changed the Service Start Date to 03/01/2007 based on "120-DAY 486 DEADLINE"
- The Original Commitment Request of \$21,246.73 has been reduced to \$7,082.24 (\$14,164.49 reduction)

***This is a request for waiver*** and follows the SLD website instructions for OPTION B - FILE AN APPEAL DIRECTLY WITH THE FCC. We appreciate that waivers are not granted often: only in special circumstances and when a deviation from the rules would ***serve the public interest.***

We believe:

- The situation that precipitated delayed filing of the Form 486 meets the waiver standard that generally requires a showing of circumstances that could not be avoided even with careful planning
- This school serves students with 90% free/reduced lunch eligibility, implying that the error is hurtful to some of the most economically disadvantaged students in our state.

We hereby request that the "120-DAY 486 DEADLINE" program rule be waived in this one instance due to the extenuating circumstances detailed below. With this waiver, the SLD would be able to reverse its Service Start Date change, re-instating the initially submitted, and actual, Service Start Date of 7/1/07, thus re-instating the Original Commitment Request of \$21,246.73.

This request for waiver was prepared with the assistance of The Miller Institute for Learning with Technology (AKA: Learningtech), a 501(c)(3) nonprofit organization. *[Letter of Agency attached below]*.

Respectfully submitted this 7<sup>th</sup> day of September 2007,



Irene Sumida  
Executive Director (Authorized Official)  
Fenton Avenue Charter School

**Appeals may also be submitted to the FCC electronically, either by the Electronic Comment Filing System (ECFS) or by fax. The FCC recommends filing with the ECFS to ensure timely filing. Instructions for using ECFS can be found on the ECFS page of the FCC website. Appeals to the FCC filed by fax must be faxed to 202-418-0187. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 a.m. (midnight), Eastern Standard Time. Fax transmissions will be considered filed on a business day if the complete transmission is received at any time before 12:00 a.m. This request for waiver is submitted via both ECFS and fax.**

**Detailed contact information.**

Applicant Name: FENTON AVENUE CHARTER SCHOOL  
Applicant BEN: 102587  
Street Address: 11828 GAIN ST, LAKE VIEW TERRACE, CA 91342  
Authorized Person: Irene Sumida  
Title of Authorized Person: Executive Director  
Telephone Number: (818) 896-7482  
Fax Number: (818) 890-9986  
Primary Applicant Contact: Irene Sumida  
Title of Primary Contact: Executive Director  
Telephone Number: (818) 896-7482  
Fax Number: (818) 890-9986  
Authorized Consultants: The Miller Institute for Learning with Technology  
Mark L. Miller or Eileen Miller (LOA attached)  
Telephone Number: 650-598-0105  
Fax number: 866-801-8667  
Preferred Contact Method: E-mail  
E-mail Address for Reply: erate.fenton@learningtech.org

**Explanation of special circumstances.**

Background

In general, the Form 486 must be postmarked or received no later than 120 days after the Service Start Date shown on the Form 486, or no later than 120 days after the date of the FCDL, whichever is later, to receive support retroactively to the Service Start Date.

The FCDL date for this FRN was 10/24/06; 120 days after FCDL date = 2/21/07.

*[FCDL attached below]*

The actual Service Start Date was 7/1/06; 120 days after the SSD = 11/1/06.

The Form 486 should have been filed by 2/21/07.

The Form 486 was filed on 6/29/2007; SLD changed the Service Start Date to 03/01/2007 (120 days before 486 filing).

*[July 11, 2007 Form 486 Notification Letter attached below]*

Explanation of Events/Special Circumstances

Since Y5 (Funding Year 2002 – 2003), FENTON AVENUE CHARTER SCHOOL has relied on The Miller Institute for Learning with Technology (AKA: Learningtech) for its E-Rate application processing. The person at Learningtech responsible for FENTON AVENUE

CHARTER SCHOOL'S E-Rate filing during this time frame was Mr. Don Peck, a veteran member of our E-Rate consulting team. *Don experienced a pulmonary embolism on January 20, 2007; he is now officially on a leave of absence from Learningtech.* In the aftermath of Don's medical emergency [*medical records are attached below to document these key dates of service: 1/31/07, 4/9/07, 5/1/07, 5/2/07*], the filing of the Form 486 for FRN 1488074 was overlooked. As it became more apparent that Mr. Peck's illness would be a protracted one, Learningtech did assign other team members to take over his responsibilities for Fenton. On 2/27/07, USAC sent a 486 reminder letter that referenced FRNs lacking Form 486 filing. Two of the FRNs were for work that had not yet begun, so the Form 486 could not yet be filed. However, one of the three FRNs mentioned was for a multi-year lease that was continued from a prior year. The newly assigned staff members, less familiar with FENTON AVENUE CHARTER SCHOOL's history, were unfamiliar with the unusual nature of this Internal Connections FRN—unusual in that there was no “new work to be started” and that it was being billed monthly. Hence, the “hand-off” of duties from an extremely ill employee was flawed. A Form 486 was filed on June 29, 2007, only after a review of the Y9 status caused the newer team members to notice that a Form 486 had not been submitted for this one FRN. This error, ultimately caused by a medical emergency of key personnel, has unfairly penalized the applicant.

#### Requested Outcome

Fenton Avenue Charter School hopes that the FCC will see fit to waive the “120-DAY 486 DEADLINE” program rule so that SLD can move the Service Start Date back to 7/1/2006, and so this school does not lose any funding due to this unfortunate set of circumstances. This medical emergency suffered by the one employee who has taken care of this filing in the past should NOT cause the school to lose over \$14,000 in funding. It is our fervent hope that in this particular situation the FCC will make an allowance based on this mitigating circumstance. This late filing was definitely an applicant error, however, recent FCC orders and SLD procedures involving other types of applicant errors indicates that there might be some possibility of relief for this particular situation due to the medical emergency of the responsible party.

Irene Sumida  
Director

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Curriculum and Instruction



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## FENTON AVENUE CHARTER SCHOOL

A California Public Charter School  
11828 Gain Street • Lake View Terrace, CA 91342  
(818) 896-7482 • Fax (818) 890-9986

May 15, 2006

To Whom It May Concern:

This letter of agency documents our agreement, effective as of the date signed, that The Miller Institute for Learning with Technology [hereinafter, Learningtech] and its authorized representatives (including, specifically, Mark L. Miller, Ph.D., Don Peck, Eileen Miller, and Diana Abete) are authorized to prepare, submit and discuss all necessary and appropriate E-Rate forms, and to interact with the Schools and Libraries Division, on behalf of Fenton Avenue Charter School [hereinafter, Fenton]. This letter of agency shall remain effective through June 30, 2009, unless terminated sooner, in writing, by either party.

This letter of agency covers all reasonable and customary duties of E-Rate consultants, including, but not limited to:

- All funding years through 2008-2009
- All routine forms including: 470, 471, 486, and 472
- **Interaction with Program Integrity Assurance (PIA) personnel**
- **All categories of service including: Telecommunications, Internet Access, Internal Connections, and Basic Maintenance of Internal Connections.**

In preparing materials and responses on our behalf, it is understood that The Miller Institute for Learning with Technology shall necessarily rely upon information provided by Fenton, its employees, its service providers, and its authorized representatives, including, but not limited to: enrollment data, free/reduced lunch eligibility, service provider agreements, competitive bidding practices, and so on. Although Learningtech will exercise all reasonable diligence in verifying information, it is further understood that ultimate responsibility for document certification and for the accuracy of certification statements remains with Fenton.

Sincerely,

Irene Sumida  
Director  
Fenton Avenue Charter School  
isumida@fentoncharter.net



**Universal Service Administrative Company**  
Schools & Libraries Division

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

October 24, 2006

Irene Sumida  
FENTON AVENUE CHARTER SCHOOL  
11828 GAIN ST  
LAKE VIEW TER, CA 91342-7132

Re: Form 471 Application Number: 537333  
Billed Entity Number (BEN): 102587  
Billed Entity FCC RN: 0012047932  
Applicant's Form Identifier: fen471y9ic

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, \$357,402.99 is "Approved."

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 537333 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2006," 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

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

To submit your appeal to USAC on paper, send your appeal to:

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

While we encourage you to resolve your appeal with USAC 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 website. 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

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC 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 USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly 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

**A GUIDE TO THE FUNDING COMMITMENT REPORT**

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

**FORM 471 APPLICATION NUMBER:** The unique identifier assigned to a Form 471 application by USAC.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

**FUNDING STATUS:** Each FRN will have one of the following statuses:

1. "Funded" - the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
2. "Not Funded" - the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
3. "As Yet Unfunded" - a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

**CATEGORY OF SERVICE:** The type of service ordered from the service provider, as shown on your Form 471.

**FORM 470 APPLICATION NUMBER:** The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

**SERVICE START DATE:** The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

**CONTRACT EXPIRATION DATE:** The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

**NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR:** The number of months of service that has been approved for the funding year, for recurring services.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

**DISCOUNT PERCENTAGE APPROVED BY USAC:** The discount rate that USAC approved for this service.

**FUNDING COMMITMENT DECISION:** The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

**FUNDING COMMITMENT DECISION EXPLANATION:** This entry provides an explanation of the amount in the "Funding Commitment Decision."

**FCDL DATE:** The date of this Funding Commitment Decision Letter (FCDL).

**WAVE NUMBER:** The wave number assigned to FCDLs issued on this date.

**LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES:** The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

FUNDING COMMITMENT REPORT  
Billed Entity Name: FENTON AVENUE CHARTER SCHOOL  
BEN: 102587  
Funding Year: 2006

Form 471 Application Number: 537333  
Funding Request Number: 1487528  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 410520000575010  
SPIN: 143026215  
Service Provider Name: Allison Mechanical, Inc.  
Contract Number: Fen-AMI-Cabling  
Billing Account Number: 818-896-7482  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 102587  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$88,272.68  
Pre-discount Amount: \$88,272.68  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$79,445.41 - FRN approved as submitted

FCDL Date: 10/24/2006  
Wave Number: 027  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1487676  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 410520000575010  
SPIN: 143027091  
Service Provider Name: Digital Networks Group, Inc.  
Contract Number: FEN-DNG-Switches  
Billing Account Number: 818-896-7482  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 102587  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$276,821.03  
Pre-discount Amount: \$276,821.03  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$249,138.93 - FRN approved as submitted

FCDL Date: 10/24/2006  
Wave Number: 027  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT  
Billed Entity Name: FENTON AVENUE CHARTER SCHOOL  
BEN: 102587  
Funding Year: 2006

Form 471 Application Number: 537333  
Funding Request Number: 1488074  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 410520000575010  
SPIN: 143004769  
Service Provider Name: Verizon California Inc.  
Contract Number: 2014889-001  
Billing Account Number: 1-2014889(1-4)  
Service Start Date: 07/01/2006  
Contract Expiration Date: 09/30/2007  
Site Identifier: 102587  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$23,607.48  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$23,607.48  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$21,246.73 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: The FRN was modified from MTM to Contracted to agree with the applicant documentation.

FCDL Date: 10/24/2006

Wave Number: 027

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1488237  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 410520000575010  
SPIN: 143027091  
Service Provider Name: Digital Networks Group, Inc.  
Contract Number: Fen-DNG-Auditorium  
Billing Account Number: 818-896-7482  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2007  
Site Identifier: 102587  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$8,413.24  
Pre-discount Amount: \$8,413.24  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$7,571.92 - FRN approved as submitted

FCDL Date: 10/24/2006

Wave Number: 027

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007



**Universal Service Administrative Company**  
Schools & Libraries Division

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**FORM 486 NOTIFICATION LETTER**  
**(Funding Year 2006: 07/01/2006 - 06/30/2007)**

July 11, 2007

FENTON AVENUE CHARTER SCHOOL  
Irene Sumida  
11828 GAIN ST  
LAKE VIEW TER, CA 91342-7132

**Re: Form 486 Application Number: 397545**  
**Applicant's Form 486 Identifier: y9486ic**

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (FRN).

**NEXT STEPS**

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
  - applicant invoice is BEAR Form for reimbursements
  - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

**NOTICE ON SERVICE START DATE**

There may be some situations where one or more Service Start Dates as reflected on this letter have been changed from what you indicated on the Form 486. Such changes are made by the SLD to be in compliance with program rules. You will know that a change has been made if there is an asterisk next to the Service Start Date. If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of the discounts only on eligible, approved products and/or services actually delivered and installed on or after the Service Start Date indicated on this letter.

**TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION**

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on 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 e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FRN Service Start Date change or Funding Commitment adjustment you are appealing. Indicate the relevant funding year and the date of this Form 486 Notification Letter. Your letter of appeal must also include the relevant Funding Request Number(s), the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from your Form 486.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

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 POSTMARKED within 60 days of the above 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 web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

**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 the SLD and/or the 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.

**A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT**

A report for each FRN for which you have notified us of a Service Start Date is attached to this letter. We are providing the following definitions for the items in that report.

**Funding Request Number (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

**Form 471 Application Number:** A unique identifier assigned to a Form 471 application by the SLD.

**Service Provider Name:** The name of the service provider that you identified as providing the service included in this FRN.

**Service Provider Identification Number:** The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.

**Billing Account Number:** The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

**Service Start Date:** The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

**Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT):** If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

**AVSCD:** The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

**120-DAY 486 DEADLINE:** Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

**Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT):** If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.

FORM 486 NOTIFICATION LETTER  
FUNDING COMMITMENT REPORT  
(Funding Year 2006)

Funding Request Number: 1487676  
Form 471 Application Number: 537333  
Service Provider Name: Digital Networks Group, Inc.  
Service Provider Identification Number: 143027091  
Billing Account Number: 818-896-7482  
Service Start Date: 06/29/2007

Funding Request Number: 1488074  
Form 471 Application Number: 537333  
Service Provider Name: Verizon California Inc.  
Service Provider Identification Number: 143004769  
Billing Account Number: 1-2014889(1-4)  
Service Start Date: 03/01/2007\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$7,082.24



RECEIVED MAY 07 2007

**Peninsula Ultrasound, Mammography &  
Radiology Services Medical Group, Inc.  
Peninsula Mammography & Breast Imaging, Inc.**



101 S. San Mateo Drive, Suite 201  
San Mateo, CA 94401

Phone: (650) 343-1655 *www.womensimaging.com* Fax: (650) 343-1686  
# 43876  
W 5/2/07

LEFT LOWER EXTREMITY VENOUS DUPLEX ULTRASOUND DATED 5/01/07 AND 5/02/07

PECK, DON

BIRTHDATE: 12/21/61

REFERRING CLINICIAN: Dr. Wen Liang ✓  
cc: Dr. John Siebel

ULTRASOUND NO.: 116099

CLINICAL DATA: 45-year-old male with history of DVT and PE in January 2007. Follow-up to DVT.

TECHNIQUE: The left lower extremity deep venous system was evaluated from the level of the common femoral vein at the groin to the level of the proximal calf veins, utilizing real-time ultrasound, Doppler, color Doppler, augmentation and compression techniques.

COMPARISON: Comparison is made with left lower extremity venous duplex ultrasound dated 1/31/07.

FINDINGS: The left common femoral, superficial femoral, and popliteal veins demonstrate normal compressibility, Doppler flow and augmentation. There is a short segment of duplication of the mid distal portion of the superficial femoral vein, which is quite difficult to visualize, but is seen. A small amount of flow is identified within this vessel, which was not visualized previously, consistent with partial recanalization. Otherwise there is a non-occlusive clot remaining in this vessel. The visualized proximal calf veins demonstrate normal flow.

IMPRESSION:

1. Compared with the previous ultrasound of 1/31/07 there has been partial recanalization of the previously completely thrombosed short segment duplication of the mid distal left superficial femoral vein.
2. The left common femoral vein, main left superficial femoral vein, and popliteal veins are negative for deep venous thrombosis.

  
Doris Burton, M.D.

DB:sh 5/2/2007

05/07/07 ① copy to pt

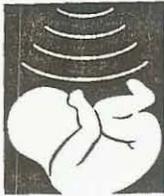
② Follow up with Dr Siebel

③ Call me or come back to see me if any questions

W. Liang

05/01/07: Letter copy sent pt

RECEIVED FEB 02 2007



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PA AND LATERAL VIEWS OF THE CHEST DATED 1/31/07

# 43876

PECK, DON

BIRTHDATE: 12/21/61

REFERRING CLINICIAN: Dr. Wen Liang

X-RAY NO.: 116099

CLINICAL DATA: Shortness of breath. Pain in left calf and thigh.

FINDINGS: The cardiomeastinal silhouette is within normal limits. The lungs are clear bilaterally. There is minimal blunting of both costophrenic angles laterally, right greater than left, which may reflect a small amount of pleural thickening, with pleural fluid not excluded. The visualized osseous structures are unremarkable other than minimal anterior vertebral body hypertrophic changes. There is marked deformity of the left clavicle, consistent with an old healed fracture.

IMPRESSION:

1. No pulmonary infiltrates identified.
2. Minimal blunting of the costophrenic angles bilaterally, which may represent minimal pleural thickening or pleural fluid.
3. If there is clinical concern of a pulmonary embolus, CT angiogram is the examination of choice.

Doris Burton, M.D.

DB:sh 1/31/2007

02/02/07.  
Pt went to ER as  
we requested  
CT. No PE. but about  
need to repeat 10d.  
on ABX.

w.l



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LEFT LOWER EXTREMITY VENOUS DUPLEX SONOGRAM DATED 1/31/07

PECK, DON

BIRTHDATE: 12/21/61

REFERRING CLINICIAN: Dr. Wen Liang

ULTRASOUND NO.: 116099

CLINICAL DATA: 45-year-old male with left calf and left thigh stiffness for five days, and pain for 5-6 days, also complaining of shortness of breath. Please evaluate for deep venous thrombosis.

TECHNIQUE: The left lower extremity deep venous system was evaluated from the level of the common femoral vein at the groin to the level of the proximal calf veins, utilizing real-time ultrasound, Doppler, color Doppler, augmentation and compression techniques.

FINDINGS: There is left lower extremity deep venous thrombosis involving the posteromedial branch of a bifurcated left superficial femoral vein, extending from the mid thigh to the level of the adductor canal. There is no thrombus identified within the more proximal left superficial femoral vein above the level of the bifurcation or the left common femoral vein. There is no thrombus demonstrated within the left popliteal veins or identified branches of the left anterior tibial, posterior tibial and peroneal veins.

IMPRESSION:

Deep venous thrombosis involving a posteromedial branch of a bifurcated left superficial femoral vein extending into the adductor canal just above the knee.

Results were phoned to Mariner Medical Clinic following the exam.

  
Beth Kleiner, M.D.

BK:sh 1/31/07

02/02/07

pt on borenox. w/ma

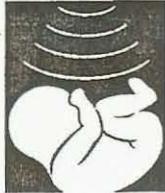
x 3 days

✓ pr. prr

wl

#43876 LV 2/6/07

RECEIVED APR 11 2007



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PA AND LATERAL CHEST X-RAY DATED 4/09/07

PECK, DON

BIRTHDATE: 12/21/61

REFERRING CLINICIAN: Dr. Wen Liang

X-RAY NO.: 116099

CLINICAL DATA: 25-year-old male with DVT involving the left superficial femoral vein and pulmonary embolism, on Coumadin.

COMPARISON: Comparison is made with chest x-ray dated 1/31/07.

FINDINGS: There has been no significant interval change. The cardiomeastinal silhouette is within normal limits. The lungs are clear bilaterally. Minimal blunting of both costophrenic angles is unchanged. Interval degenerative changes of the thoracic spine are again noted.

IMPRESSION:

No active cardiopulmonary disease. Minimal blunting of bilateral costophrenic angles may reflect minimal pleural effusion or pleural thickening. No significant change since 1/31/07.

Nancy Lai, M.D.

NL:sh 4/9/07

4/12/07. ① copy to pt. (I spoke to pt).  
② will request a follow-up CT chest scan as recommended by Dr Steyer. pulmonologist. see request.

w-liang



MARINER MEDICAL CENTER

1261 E. Hillsdale Blvd.  
Foster City, CA 94404  
(650) 570-2299  
www.marinermedical.com

REFERRAL

Date: 5/14/07

SPECIALTY pulmonologist

To Dr. Mojdeh Talebian 650 216 9000

This will introduce my patient Don Peck

Health Insurance: BC of CA PPO

For:  Diagnosis  Treatment

Case history has been forwarded to you under separate cover

Remarks: 45 yo m c DVT. PE 02/2007

Referring Physician: [Signature]

Bowles  Goodwin  Kumar  Liang  Perez  Portmore



**PENINSULA ULTRASOUND**  
**MAMMOGRAPHY AND RADIOLOGY**  
**SERVICES MEDICAL GROUP, INC.**  
 101 SOUTH SAN MATEO DRIVE, SUITE 201  
 SAN MATEO, CA 94401  
 (650) 343-1655 • FAX (650) 343-1686



BETH C. KLEINER, M.D. NANCY LAI, M.D.  
**X-RAY REQUEST FORM**

Please arrive early to register. As a courtesy to all our patients, arriving late will require our office to reschedule your appointment. We require a 24 hour notice to cancel or reschedule an appointment or a fee may be charged. Patients are responsible for obtaining authorization from insurance, if required.

PATIENTS NAME: Peck, Don DATE & TIME OF APPT: 4/19/07

CLINICAL HISTORY: 45 yo m c DVT. PE. 01/2007-02/2007  
pt had doppler at your facility 1/31/07

DIAGNOSIS: F/up on DVT

REFERRING PHYSICIAN: W. Liang

**SERVICE REQUESTED:**

- Routine; send patient home; send report to office
- Send films with report
- Phone Report to: ( ) \_\_\_\_\_
- or Page: ( ) \_\_\_\_\_
- Send film(s) with patient to office
- Fax Report to: ( ) \_\_\_\_\_

*Dr Siebel, Hemo-One  
 phone 650 341-9131*

**EXAMINATION(S) REQUESTED:**

- X-RAY**
- Chest(2 view)
  - KUB
  - Abdomen Series
  - Pelvis
  - Sinus
  - Skull
  - Cervical Spine
  - Lumbar spine
  - Extremity
  - Other \_\_\_\_\_

**MAMMOGRAPHY:**  Screening  Diagnostic

**BONE DENSITY:**  DEXA (Diagnostic/Spine & Hip)  
 Blueshield of CA PPO require prior authorization

- SONOGRAMS:**
- OB
  - Pelvic
  - Abdomen
  - Renal
  - Breast
  - DVT
  - Thyroid
  - Carotid
  - Scrotal
  - Other (2) lower extremity venous duplex sonogram