

Received & Inspected

JUN 17 2008

FCC Mail Room

Bnos Spinka
127 Wallabout Street
Brooklyn, NY 11211

June 5, 2008

FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Letter of Appeal – CC Docket No. 02-6

To Whom-It May Concern,

This letter is regarding our funding year 2007 funding requests to the Schools and Libraries Division [Funding Request Numbers: 1507744, 1507745, 1507746, 1507748, 1507750, 1510276, 1510278, 1510279, 1510280, 1510286, 1510290]. After a thorough Item 25 review, our requests for funding were denied. An appeal was submitted to USAC on March 10, 2008 and subsequently denied on April 14, 2008. A copy of the Administrator's decision on our appeal is enclosed (Attachment 1). The reason given for the denial of funding is that Bnos Spinka has not secured sufficient access to professional development, software and maintenance resources.

In order to continue the smooth functioning of our school and to provide uninterrupted education to our students we greatly rely on the technology we have. Of course, we realize the importance of having the proper resources in place in order to make use of the technology we obtain, and therefore, during the Item 25 Review we worked diligently to demonstrate that we do indeed have the proper professional development, software and maintenance resources in place. Enclosed are the applicable sections of our original response to the Item 25 Review (Attachment 2) and a follow up fax and the response submitted to demonstrate such (Attachment 3).

It is important to note that the above requested FRNs were to help cover maintenance contracts on equipment that is already in place. It follows that since the equipment is already in use and functioning smoothly, the training our staff has received thus far in the use of this equipment and in its incorporation into the education of our students, is sufficient. As explained in our review, the secretary in the office is fully trained in the use of computers, and a portion of her salary includes payment for the training of other teachers. This training has worked adequately thus far, and our teachers are knowledgeable and fully comfortable in the use of the technology. We also make accommodations to ensure that the secretary's training is updated when necessary.

The new equipment that is being requested is the installation of a video system and a server. The new server is necessary to connect both of our buildings so that we can have an organized and cohesive system of sharing files and information. Since we already

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have servers, as explained above, our staff is fully knowledgeable and comfortable in the use of our computers via the network. The area that our staff **will** require training, is in the use of the new video system. As explained in our Item 25 Review, much of the initial training in the use of the equipment will be provided by the service provider upon installation. Additional training in the areas of incorporating its use into our curriculum will be provided through outside classes. Money to cover the expense of these classes has been incorporated in our budget.

In regard to software resources, we currently have several software programs loaded onto our computers such as Word, Hebrew Fonts, Excell, Outlook, Access. These programs have adequately satisfied the needs of our teachers who use them daily to obtain information and to create educational sheets and materials to be used in the classrooms. Of course, new software is always emerging and therefore, we did incorporate money in our budget for the purchase of new software as necessary during the 2007-2008 school year. However, not much money is needed in this area as we receive educational discounts in purchasing software.

Proper maintenance resources, we feel, are most important as the proper upkeep and repair of all equipment is crucial for the smooth functioning of our school. Since we make significant use of our equipment on a daily basis, the likelihood of anything going wrong is highly probable. As explained above, the above requested FRNs were to help cover maintenance contracts on much of our crucial equipment. It is important to have these maintenance contracts approved as without affordable maintenance contracts in place, we stand the chance of being faced with costly and possible out-of-budget repairs. As explained in our Item 25 Review, we have budgeted money to cover maintenance on all of our computers and other equipment not eligible for E-Rate funding. To provide maintenance, we call in the necessary experts and technicians as problems arise. In the 2006 funding year, \$750 was enough to cover all of our ineligible maintenance expenses. For the 2007 funding year, we added \$450 to that amount to cover all unknown expenses in the area of providing proper maintenance and/or repair of our equipment.

We are asking that you please review all the information again and find it in the favor of our students to reinstate our funding.

Please feel free to contact me at the school at (718) 254-8005, Ext #201, or by fax at (718) 254-8009 with any further questions.

Thanking you in advance for your anticipated cooperation.

Respectfully,



Jacob Freilich

Enclosures

Attachment 1 (2 pages)



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2007-2008

April 14, 2008

Jacob Freilich
Bnos Spinka
127 Wallabout Street
Brooklyn, NY 11211

Re: Applicant Name: BNOS SPINKA
Billed Entity Number: 209385
Form 471 Application Number: 547070
Funding Request Number(s): 1510276, 1510278, 1510279, 1510280, 1510286,
1510290
Your Correspondence Dated: March 10, 2008

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 2007 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): 1510276, 1510278, 1510279, 1510280, 1510286,
1510290

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. Under the Schools and Libraries support mechanism applicants are required to demonstrate that they have secured access to all of the resources, including computers, training, software, maintenance and electrical connections necessary to make effective use of the products and services for which they receive E-rate discounts. USAC has reviewed all of the documentation that was presented during the entity Item 25 review and determined that Bnos Spinka (the school) has not secured sufficient access to the following resources: professional development, software and

maintenance. Compliance with this requirement to secure necessary resources is one of the items to which the school certified on their Form 471 application. You did not demonstrate during the appeal process that USAC erred in its initial decision. Consequently, USAC denies your appeal.

- FCC rules require applicants to certify that, at the time they submit the FCC Form 471, they have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the products and/or services purchased as well as to pay the non-discounted charges for eligible products and/or services. See 47 C.F.R. sec. 54.504(c)(1)(iii); FCC Form 471, Block 6, Item 25. USAC reviews this certification by conducting an Item 25 "necessary resources" review. The FCC has emphasized the importance of conducting this review to protect the integrity of the schools and libraries support mechanism. See Request for Review by New Orleans Public Schools, 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 and 97-21. Order, 16 FCC Rcd. 16653, DA 01-2097 (rel. Sep. 18, 2001). This rule requires the applicant to secure access to all of the resources to effectively use the discounted services and to pay its service provider the full cost of the non-discounted portion owed to the service provider from the funds budgeted within that funding year.

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

Attachment 2 (1 page)

Print bill for cellular for \$ 779.86 is bid for frn 1517468. (Sprint and Nextel combined to the same company)

Cingular bill for cellular for \$ 552.99 is bid for frn 1517473.

471 545901 and 547070:

We got 1 bid for all of our internal connections from Ready Voice and Data. All of the bids have the same matching numbers to the frn as the contracts (in the list above).

- 4) We had 1 bid for each frn and those are the companies we chose.
- 5) No we did not use a consultant.
- 6) We are giving you all the bids and contracts which is all the written correspondence.
- 7) No we don't have multiple capacity.

Part 2

1) Item 25 Section 1 – We lowered the amounts because we cancelled the frns that we listed in question 1.

Section 2 – In 2006 we started using our new building on Kent Avenue. We put in a new telephone system, voice mail system, server and put in all the cables and wires. We spent \$2100 on all the new data/voice cables. We also bought three computers for the offices at Kent Avenue for \$1800. In 2007 we want to add a video system and a new server.

→ Professional Development
Section 3 – We have a secretary in our office who has more training in using computers. The teachers use her for help in using computers. She helps them search and download information they need for their lesson planning and helps create educational sheets. She also trains them in how to use the computers and find material for lesson planning. We pay her \$1800 for doing these jobs. This is part of her salary.

→ Software
Section 4 – The computers that we bought came loaded with software. We did not buy anything new. We will buy a few programs in 2007.

Section 5 – We bought our new building on Kent Avenue in 2005. We did at least \$200,000 of work on it to prepare it to use as a school and for all the new systems we wanted to put in. We were still doing work in 2006. We are also setting aside money in 2007 in case we need to add wires for electricity when we add a new server and video system.

→ Maintenance
Section 6 – Our new computers and systems came with a one year warranty but we had to spend on maintenance for the computers and systems in our building on Wallabout Street. In 2007 we will spend money on maintenance for the computers and systems in both locations.

2) We have two buildings, one on Wallabout Street for our girls and one on Kent Avenue for our boys. At Wallabout Street the resources we already put in are a telephone system,

Attachment 3 (5 pages)

Sender: Kenneth A. Solomon
Phone: 973-581-5103
Fax: 973-599-6515
E-mail: Ksolomo@sl.universalservice.org
Subject: Funding year 2007 E-Rate

*** **

This fax is a follow up to the information you provided in reference to the E-Rate Selective Review Information Request Funding Year 2007. Please provide the information requested by the close of business 07/09/2007. If we do not receive the information by that date, your application will be reviewed based on the information we currently have, which may impact the approval of your application.

Hardware:

- Please provide a one-page summary of the resources and strategies you have available for acquiring hardware.
- Please list the number of servers and network drops you are requesting in FY 2007.

Drops: You have indicated that you are requesting 17 drops in FY 2007 but you expect to have only 4 computers by the end of the funding year. Please indicate how many of the requested drops are data drops and how many are voice drops. If voice drops are being requested, please indicate the number of wired voice terminals you will have at the end of FY2007. Please explain how you plan to utilize the drops within the next two years.

To: JACOB FREILICH @ 17162340000 -

Professional development:

- Please provide a one-page summary of the resources and strategies you have for technology professional development addressing the questions listed below.
- Do you have a training staff? Who provides the training? Who receives the training and what are they trained on? Is a train-the-trainer mode of training used? Are there Education Service Agencies that provide training?

Software:

- Please provide a one-page summary of the resources and strategies you have available for acquiring software.
- List the software applications you currently have, both administrative and educational. Also, list any site licenses you may currently have as well as the software you plan on obtaining.

Retrofitting:

- Your investment in retrofitting appears low in relation to the level of network resources you are requesting. Have you already retrofitted your buildings for technology (after 1998)? If so, can you briefly document the dollar amount and/or the work done? Also please indicate if this is a relatively new school (past five years or so). If not, please provide a one-page summary of the resources and strategies you have available to retrofit your schools for technology.

NOTE: Retrofitting refers to removing asbestos, adding air conditioning, upgrading wiring, building server closets, knocking down or drilling through walls, or anything else done in order to prepare buildings for new technology.

Maintenance:

- Please document your plans for maintaining your equipment both old and new as well as ineligible hardware.
- Is the equipment under warranty?

TO: JACOB FREITON @ 110240000, 110240000

Do you have a maintenance contract?

Do you have a maintenance staff who maintains the equipment? If so please include their names on the Item 25 worksheet if you have not already done so.

Budget:

You provided a copy of the 2006 Budget. Are you using the 2006 Budget as an estimate for the 2007 Budget? If so, please indicate so.

If you are using the 2006 Budget as an estimate for the 2007 Budget, please indicate the expense budget line(s) wherein the fund for the e-rate co-pay of \$17,126.63 is located.

Please call me if you have questions.

Thank you.

Kenneth A. Solomon

Program Integrity Assurance

Schools and Libraries Division

Voice: 973-581-6103

Desktop Fax: 973-599-6516

E-mail: KSolomo@sl.universalservice.org

A. Solomon

99-6515

73-581-5103

er: Jacob Freilich

k: 718-596-8157

Phone: 718-596-7657

Subject: Funding year 2007 e-rate

2 pages

Hardware:

- The new hardware we are requesting is a video system and a server. We will have to buy cameras to work with the video system. We will discuss with the service provider what cameras to look for that will best go with the system. Then we will search around for the best price on those cameras. We are including money in our budget to cover the cost of the cameras and our share of the cost of the video system and server.
- We are requesting 1 new server and no new network drops. We will be using our existing network drops for the new server.
- Drops: The 17 data drops we are requesting are for the new video system. We are not requesting any voice drops. The new drops will be used with the video system and they will be used for security and monitoring of the classrooms.

→ **Professional development:**

- We have one trainer – the secretary in the office who is trained in using computers. She trains the teachers in how to use the computers and find material for lesson planning. She trains them on the computers in the office. We pay her \$1800 for doing these jobs. This is part of her salary. We don't give training to the trainer. Her skills are enough for our facility. If she finds seminars that interest her in these topics we do give her the time off to attend them.

→ **Software:**

- We budgeted \$200 for new software. We will shop in local stores for new software. The secretary recommends software that she feels will keep us updated and be beneficial to the teachers in preparing educational material.
- The software we currently have is Excell, Access, Fuchs Tuition Program, Powerpoint, Outlook, Word.
We did not specify yet which software we will be buying.

Retrofitting:

- Our building on Kent Avenue is a new building. We bought it in 2005. We had to do everything new to set it up for a school building. We put up the walls to make

classrooms and offices. We did electrical work to prepare it for all the new systems we were going to put in. We did at least \$200,000 in work on the building. We are also setting aside \$300 in 2007 in case we need to add more wires for electricity.

→ Maintenance:

- To maintain all of our equipment, we call in an expert as problems come up.
- We do not have a warranty on our equipment.
- We do have a maintenance contract for our internal connections.
- We do not have a maintenance staff.

Budget:

- Yes we are using the 2006 budget as an estimate for the 2007 budget.
- The expense budget line for the e-rate co-pay is utilities.