

March 13, 2009

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VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Request for Review, Docket No. 02-6

School	BEN	471 Applic. No.	Funding Year
Lakeview Charter Academy	16021236	637008	2008

Dear Ms. Dortch:

Lakeview Charter Academy (“Lakeview”), a Partnerships to Uplift Communities charter school, acting through counsel, pursuant to Sections 54.719-54.721 of the Commission’s rules, hereby files this Request for Review (“Request”), requesting review of the adverse decision of the Administrator of the Universal Service Administrative Company (“USAC”), dismissing Lakeview’s Funding Year 2008 FCC Form 471 funding request. *See* Exhibit 1.

On February 7, 2008, Lakeview timely posted and certified its FCC Form 471. Lakeview received a letter from USAC dismissing Lakeview’s FCC Form 471 on January 15, 2009. The Letter states the dismissal is due to a debt owed to USAC or the FCC. Lakeview was incorrectly assessed a COMAD for Funding Year 2005 that it is in the process of appealing. The COMAD was incorrectly issued by USAC based on a misunderstanding that Lakeview did not have an approved Tech Plan when it filed its FCC Form 486 for Funding Year 2005. Lakeview did, in fact, have an approved Tech Plan when it filed its FCC Form 486.

On October 17, 2008, the SLD denied Lakeview’s Appeal (“Denial Letter”) stating, in error, that Lakeview did not have an approved Tech Plan when it filed its Form 486. Lakeview submitted a letter with its Appeal from the Los Angeles County Office of Education stating Lakeview did, in fact, have an approved Tech Plan before April 29, 2005, nearly one year before Lakeview filed its Form 486. However, the SLD did not explain why it deemed this letter as insufficient. Despite issuing its Denial Letter, the SLD also accepted and reviewed additional information in

Ms. Marlene Dortch
March 13, 2009
Page 2

support of Lakeview's Appeal that was submitted on November 20, 2008 and November 26, 2008, almost a month after Denial Letter. On December 1, 2008, the SLD responded to Lakeview via e-mail stating "we do not find this information sufficient to approve the appeal" and "strongly suggested" Lakeview file an appeal with the Federal Communications Commission within 60-days of the date of the Denial Letter. At a minimum, the SLD should have explained why it rejected Lakeview's additional information and provided a basis for reaching its conclusion.

USAC's decision to dismiss Lakeview's Funding Year 2008 FCC Form 471 is premature because the first Demand Payment Letter should have been mailed December 17, 2008, which means on January 15, 2009, Lakeview would not have had a delinquent debt to USAC or the FCC. To further confuse matters, USAC cites to the FCC's Red Light Rules as at least partial justification for why it is dismissing Lakeview's FCC Form 471 yet the FCC's Red Light Display system as of March 11, 2009, reflects Lakeview's status as GREEN. *See* Exhibit 2.

In order to preserve Lakeview's appeal rights, this timely Request is being submitted, which will be supplemented at a later day to include additional facts and legal arguments. *See* 47 C.F.R. § 54.720(a). Counsel was recently retained to assist with this matter.

Lakeview respectfully requests that the Commission grant this Request and direct USAC to reinstate and continue processing Lakeview's Funding Year 2008 FCC Form 471 for telecommunications services, which has been pending for over one year with USAC.

Sincerely,



Cynthia B. Schultz
Counsel to Lakeview Charter Academy,
a Partnerships to Uplift Communities Charter School

Exhibit 1



Universal Service Administrative Company
Schools & Libraries Division

Notice of Dismissal

January 15, 2009

Jaime Sorreno
LAKEVIEW CHARTER ACADEMY
1445 CELIS STREET
SAN FERNANDO, CA 91340

Re: Notification of Dismissal of Applications Pursuant to the Red Light Rule

Application Number: 637008
Billed Entity: 16021236
Fund Year: 2008

The Schools and Libraries Division received your request, cited above, for a funding for the Schools and Libraries Universal Service Support Mechanism (E-Rate) holding FCC Registration Number 0011865573.

As required by 47 C.F.R. § 1.1910(a)(1), we reviewed our records and determined that as of 12/11/2008, you or an entity sharing the same Taxpayer Identification Number (TIN) is delinquent on the payment of a debt owed to the Universal Service Administrative Company (USAC) and/or the Federal Communications Commission.

Pursuant to 47 CFR § 1.1910(b) we issued a Notice of Withholding Action on 12/11/2008 explaining the nature of the debt(s) owed. As of the date of this letter, the debt has not been satisfied, and therefore the application listed above is dismissed and no funding will be provided for any of the funding requests included in that application.

Please be advised that any additional applications or requests for benefits from the FCC or its reporting components, including but not limited to support from the Universal Service Fund, payments from the Telecommunications Relay Services Fund, or the issuance of telephone numbers from the North American Numbering Plan Administrator, will be reviewed to determine if any delinquent debts are outstanding.

Sincerely,

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 2



Red Light Display System

[FCC](#) > [Fees](#) > Red Light Display System

Logged in as: Lakeview Charter Academy (0011865573) [[Log Out](#)]

[Print](#) | [Help](#)

3/11/2009 11:55 AM

Current Status of FRN 0011865573

STATUS: Green

You have no delinquent bills which would restrict you from doing business with the FCC.

The Red Light Display System checks all FRNs associated with the same Taxpayer Identification Number (TIN). A green light means that there are no outstanding delinquent non-tax debts owed to the Commission by any FRN associated with the requestor's TIN.

The Red Light Display System was last updated on 03/11/2009 at 8:55 AM; it is updated twice each business day at about 9 a.m. and 7 p.m., ET.

Customer Service

[Red Light Help](#)

[FCC Debt Collection](#)

[FCC Fees](#)

[Web Policies / Privacy Policy](#)

Red Light Display System Help Line: (877) 480-3201, option 4, 4; TTY (202) 414-1255 (Mon.-Fri. 8 a.m.-6:00 p.m. ET)

Red Light Display System has a dedicated staff of customer service representatives standing by to answer your questions or concerns. You can email us at arinquies@fcc.gov or fax us at (202) 418-7869.