

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED
JUN - 5 2009
Federal Communications Commission
Office of the Secretary

In the Matter of)
Request for Review of the)
Decision of the) **CC Docket No. 02-6**
Universal Service Administrative Company) **CC Docket No. 96-45**
By) **File No. _____**
Northeast Parent & Child Society)
Billed Entity #13788)
471 Application #476007)
Funding Request #1323730)
_____)

To: The Federal Communications Commission

AMENDED REQUEST FOR REVIEW

Pursuant to 47 C.F.R. §54.719(c), Northeast Parent & Child Society (“Society”) hereby supplements its Request for Review, filed January 7, 2008, (attached as Exhibit A), which requested review of the November 30, 2007, Funding Denial Letter (“Denial”) (attached as Exhibit B), issued by the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) denying funding for Form 471 # 476007 (“Form 471,” attached as Exhibit C). The SLD denied the Society’s application because it did not timely file its Form 472 (“BEAR Form”) and subsequently denied the Society’s appeal of that denial because it did not “demonstrate that [the Society] filed an extension request [for the BEAR Form] in a timely manner.” The SLD’s refusal to fund this application should be reversed because the Federal Communications Commission has

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held, in circumstances identical to these, that (1) failure to timely file the BEAR Form is a procedural error and (2) the deadline may be waived to further the policies of the E-Rate program.

Factual Background

On December 30, 2004, the Society posted FCC Form 470 # 187620000512701, requesting Telecommunications Service, Internet Access, and Internal Connections funding. On February 16, 2005, the Society awarded its service contract to New England Systems and Software, Inc. and subsequently filed its Form 471. On March 14, 2005, the SLD sent a Form 471 Receipt Acknowledgment Letter. On October 12, 2005, the SLD issued a Funding Commitment Decision Letter approving 90% E-Rate funding in the amount of \$21,366.45.

Service on the project (installation of cabling for a phone system) began in May 2006 and was concluded in September 2006. The service invoices were promptly paid on September 9, 2006. The BEAR Form for this work was due on January 28, 2007.¹

In August 2006, the Society undertook its annual review. As a result of the findings of that review, the Society, beginning in September of 2006, underwent a major reorganization in its accounting office. On September 1, 2006 a new Chief Financial Officer was hired to review the structure and activity of the Society's Finance Office. Subsequently, several staff members were terminated, and there have since been major staff transitions at the Society, including the recent hiring of a new Finance Director on

¹ Under normal circumstances, after the SLD approves funding, a school that opts to be reimbursed for its funds will receive the services requested and pay the bill for those services to the service provider. Once the school has paid the bill, it may send proof of that payment, via the BEAR Form, and be reimbursed. If it does not submit this form in a timely manner, absent extenuating circumstances, it will not be reimbursed for the funds that were approved initially.

August 28, 2007. During the Society's annual audit in August 2007, the external auditor, T.M. Byxbee, discovered that the BEAR Forms had not been filed for this FRN.

The Society neglected to file its BEAR Form when it was due because of the problems uncovered in the audit and the confusion arising from the reorganization. Also because of the reorganization, the Society did not discover this error until its annual audit in August 2007. On September 10, 2007, upon discovering that the BEAR Form had not been filed, the Society requested a deadline extension (Request attached as Exhibit D). That request was denied on September 26, 2007. On November 10, 2007, the Society requested an appeal of that decision by SLD, explaining that its mistake had resulted from the reorganization and the surrounding complications (Request attached as Exhibit E). That appeal was denied summarily on November 30, 2007. (See Exhibit B). On January 7, 2008, the Society requested that the Commission review that decision. This Amended Request is intended to supplement the January 7, 2008, Request.

Discussion

SLD stated that the Society's appeal was denied because the Society did not "demonstrate that [the Society] filed an extension request [for the BEAR Form] in a timely manner." While it is true that the Society neither remitted its BEAR Form by January 28, 2007, nor timely filed a request for extension of the deadline to do so, these mistakes were innocent, caused by major changes within the organization. At most, the failure to file was a simple procedural error. The Commission has found that procedural errors of this nature are not a valid reason for denying funding.² In the *Bishop Perry*

² See *Request for Review of the Universal Service Administrator by Bishop Perry Middle School, Schools and Libraries Universal Support Mechanism*, CC Docket 02-6, Order, 21 FCC Rcd. 5316 (2006).

Order, the Commission held that applicants who commit procedural errors but follow the substantive rules intended to advance the goals of the Universal Service Fund Schools and Libraries Program should not be denied funding for their minor clerical or ministerial errors.³

The Commission found that, in certain circumstances, rigid adherence to program requirements that are “procedural” in nature does not promote the goals of section 254 of the Telecommunications Act of 1996 (the “Act”), and therefore does not serve the public interest.⁴ The goals of the Act include “ensuring access to discounted telecommunications and information services to schools and libraries.”⁵ Over 96 percent of the students enrolled at the Society are eligible to receive aid under the National School Lunch Program. This school and these students rely on E-Rate funding in order to ensure their access to the very technology the Universal Service Fund was created to promote.

In the *Canon-McMillan Order*, *supra*, the Commission extended the *Bishop Perry Order* findings to BEAR Form deadlines.⁶ In the *Canon-McMillan Order*, the Commission granted 20 appeals of USAC funding denials based on untimely filing of the BEAR Form or the other invoice form, Form 474.⁷ The Commission found that petitioners who claimed that “staff changes or inadvertent errors on the part of their staff

³ *Id.*

⁴ *Id.* at paras. 2,9,14.

⁵ See *Request for Review of the Universal Service Administrator by Canon-McMillan, Schools and Libraries Universal Support Mechanism*, CC Docket 02-6, Order, 23 FCC Red 1555 (2008).

⁶ *Id.*

⁷ *Id.* at para. 4.

resulted in the late filing or failure to file the FCC Form 472” should not be punished for their accidental procedural deficiencies, especially “where the applicants are at the end of the process and have already received service and complied with all other E-Rate program rules to date.”⁸ The Society’s current situation is virtually indistinguishable from the facts in *Canon McMillian*. Here, just as in *Canon McMillian*, funding was approved, the service was rendered timely and the vendor was fully paid by the Billed Entity. Moreover, just as the Commission stated in the *Canon-McMillan* decision, the Society has “made good faith efforts to comply with programmatic rules.”⁹ Clearly, waiver in this case is warranted.

Furthermore, USAC did not reach out to the Society when their deadline was missed, as the Commission has previously directed the SLD to do. In *State of Arkansas Department of Information Systems*, the Commission granted waivers of BEAR Form deadlines where applicants had failed to file the BEAR Form as the result of “staff mistakes or confusion.”¹⁰ The Commission stated that “given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applicants is not warranted.”¹¹ The Commission also ordered USAC to do outreach “to contact the applicants at issue to identify those schools and libraries that did not file their ... FCC Form 472 within the relevant timeframe” in

⁸ *Id.* at paras. 6, 7.

⁹ *Id.* at para. 6.

¹⁰ 23 FCC Rcd. 9373 (2008).

¹¹ *Id.* at para. 8.

order to “provide applicants with an opportunity to file their FCC Forms 472.”¹² In this case, SLD stated incorrectly that late filing was a bar to funding and failed in its affirmative duty to perform an outreach to help the administrators at the Society navigate the E-Rate process.

For these reasons, the Commission should grant the Request for Review, as supplemented herein.

Relief Requested

For the above reasons, the Northeast Parent & Child Society respectfully requests that the Commission grant its Request, reverse the USAC Administrator’s decision, and find that the Society is entitled to the entire amount (\$21,366.45) requested in its initial funding request.

Respectfully submitted,

NORTHEAST PARENT & CHILD
SOCIETY

By: Sarah B. Miller
Sarah B. Miller
Mark J. Palchick

Womble Carlyle Sandridge & Rice, PLLC
1401 I Street, N.W., Seventh Floor
Washington, DC, 20005
(202) 857-4400
(202) 467-6910 (fax)

June 3, 2009

**CC: Universal Service Administrator
Universal Service Ombudsman
Gina Spade, Telecommunications Access Policy Division**

¹² *Id.* at para. 9.

CERTIFICATE OF SERVICE

I, Mark Palchick, hereby declare that copies of the foregoing request for review were delivered by hand or by U.S. mail, this day, June 3, 2009, to the following, as required by section 54.721(c) of the Commission's rules:

David Capozzi
Acting General Counsel
Universal Service Administrative Company
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981



Sarah B. Miller

EXHIBIT A



NORTHEAST

PARENT
& CHILD
SOCIETY

Saving
Children's
Lives
Since 1888

PROTECT
CHILDREN
PRESERVE
FAMILIES
STRENGTHEN
COMMUNITIES

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

January 7, 2008

Dear Secretary Dortch:

Please be advised that this is a letter of appeal regarding CC Docket No. 02-6, with regard to a USAC decision of November 30, 2007, in which a denial was made of our Request for Waiver of a deadline for filing a reimbursement form.

Northeast Parent & Child Society (hereafter referred to as the agency) serves children who have educational and behavioral difficulties which limit their ability to succeed in a traditional public school setting. The agency's school is a special education program certified by the New York State Education Department that serves children from counties and school districts throughout the state of New York. The school is eligible for E-rate at a 90% level due to the number of impoverished families that are enrolled.

The agency requested a deadline waiver regarding E-rate 471 application number 476007, Funding Request Number (FRN) 1323730 for the filing deadline of a Billed Entity Applicant Reimbursement (BEAR form) for this FRN. The BEAR form is sent to the SLD to obtain the reimbursement for approved funding upon completion of the work associated with the funding request. Northeast Parent & Child Society had been granted an extension by the SLD for completion of the FRN until September 30, 2006. The agency then had 120 days to file the BEAR form.

Northeast Parent & Child Society underwent a major reorganization in the Finance Office beginning September of 2006. In September 2006 a CFO was hired to review the structure of the agency's Finance Office following a required annual audit in August 2006. The agency's reorganization of the Finance Office required significant due diligence, and was performed in a timely manner while allowing for a reasonable continuum of business. During this time, it is unfortunate that the deadline for filing the BEAR form for this single FRN was missed. During the agency's annual audit in August 2007, the external audit team discovered that the BEAR form had not been filed for this approved FRN. We immediately filed an appeal for a Request for Waiver to the SLD which was denied.

FRN 1323730 was approved by the SLD. The only factor in consideration for denial of the reimbursement for this single FRN is the failure to submit paperwork by an SLD imposed date. Loss of these funds, totaling almost \$30,000, would be a hardship to the agency and the children and families it serves as we rely on the funding to provide our school access to telecommunications services.

Because of this, we respectfully request a deadline waiver of the time allowed to file a BEAR form to recover the approved funds. We look to the FCC's earlier decision re: CC Docket No. 02-6, File Nos. SLD-487170, Bishop Perry

110 Greenwich Plaza
Shenectady, New York 12304
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518/377-8714 (fax)
www.neparentchild.org



NORTHEAST

PARENT
& CHILD
SOCIETY

Saving
Children's
Lives
Since 1888

PROTECT
CHILDREN
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COMMUNITIES

Middle School et al., which dealt with late filing of other SLD forms. In this decision, the FCC ruled that "immaterial clerical, ministerial, or procedural errors resulted in rejection of their requests". The FCC also ruled, "We find that the denial of funding requests inflicts undue hardship on the applicants"; and that "rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest." Also, in our case, as in the Perry decision, "the applicants' mistakes...could not have resulted in the applicant receiving more funding than it was entitled to".

Would you please advise as to any additional information required to further this appeal. Thank you very much.

Sincerely;

Janice Stewart
Vice President of Information Technology
Northeast Parent & Child Society
530 Franklin St
Schenectady, NY 12305
518 346-1284 ext 3301

100 Genium Plaza
Schenectady, New York 12304
518-346-1284
518-377-8743 (fax)
www.nepcs.org

EXHIBIT B



Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request

November 30, 2007

Janice Stewart
Northeast Parent & Child Society
530 Franklin Street
Schenectady, NY 12305

Re: Your appeal of the denial of your invoice deadline extension request

471 Application Number: 476007
Funding Request Number(s): 1323730
Correspondence Dated: November 10, 2007

After thorough review and investigation of all relevant facts, the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal.

Funding Request Number(s): 1323730
Decision on Appeal: **Denied in Full**
Explanation:

Current deadline guidelines and procedures do not allow approval for the reason submitted. Invoice Deadline Extension requests should be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). You did not demonstrate in your appeal that you filed an extension request in a timely manner. Therefore, the appeal is denied.

If you believe there is a basis for further examination of your application, 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 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 USAC/Schools and Libraries web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

cc:

Jason Guzzo
John R. Guzzo, Inc.
34 Russell Road
Albany, NY 12205

EXHIBIT C

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471 Estimated Average Burden Hours per Response: 4 hours		
This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services. Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org .) The instructions include information on the deadlines for filing this application.		
Applicant's Form Identifier (Create your own code to identify THIS form 471)	NPCS200506intcon	Form 471 Application# (To be assigned by administrator)
		476007
Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
1 a	Name of Billed Entity	NORTHEAST PARENT & CHILD SOCIETY
2 a	Funding Year: July 1,	2005 Through June 30: 2006 Billed Entity Number:13788
4 a	Street Address, P.O. Box, or Routing Number	1 GENIUM PLAZA
	City	SCHENECTADY
	State	NY Zip Code 12304
5 a	Type of Application	<input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA: public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities
6	Contact Person's Name	Janice Stewart
First, if the Contact Person's Street Address is the same as in Item 4, check this box. <input type="checkbox"/> If not, please complete the entries for the Street Address below.		
b	Street Address, P.O. Box, or Routing Number	1 GENIUM PLAZA
	City	SCHENECTADY
	State	NY Zip Code 12304



Entity Number	<u>13788</u>	Applicant's Form Identifier	<u>NPCS200506intcon</u>
Contact Person	<u>Janice Stewart</u>	Phone Number	<u>518-346-1284</u>
This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471. Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.			
Block 2: Impact of Services Ordered on Schools			
	IF THIS APPLICATION INCLUDES SCHOOLS...	BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		165
b	Telephone service: Number of classrooms with phone service	30	36
d	Direct broadband services: Number of buildings served at the following speeds: Between 10 mbps and 200 mbps	1	2

e	Direct connections to the Internet: Number of drops	1	1
f	Number of classrooms with Internet access	30	36
g	Number of computers or other devices with Internet access	115	155

Block 3: Impact of Services Ordered on Libraries
NOT APPLICABLE AS THIS APPLICATION IS FOR SCHOOL

Worksheet A No: 691985	Student Count: 150	Shared Discount: N/A
Weighted Product (Sum. Column 8): 135		
1. School Name: NORTHEAST PARENT & CHILD SOCIETY 2. Entity Number: 13788 NCES: 00 93991 3 3. Rural/Urban: Urban 4. Student Count: 150 5. NSLP Students: 145 6. NSLP Students/Students: 96.666% 7. Discount: 90% 8. Weighted Product: 135 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N		

Block 5: Discount Funding Request(s)

FRN: 1313467 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: SRV-SS-P1-M
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5186461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 2	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$0.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 5300	23g. Ineligible non-recurring amt.: 270.4
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$5,029.60	
23i. Total program year pre-discount amount (23e + 23h): \$5,029.60	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$4,526.64	

FRN: 1313540 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: SUPP-S-PS
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	

21. Attachment #: 3	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$0.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 25039.6	23g. Ineligible non-recurring amt.: 2424
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$22,615.60	
23i. Total program year pre-discount amount (23e + 23h): \$22,615.60	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$20,354.04	

FRN: 1313741 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: SRV-INT-CONN-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 4	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$0.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 10000	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$10,000.00	
23i. Total program year pre-discount amount (23e + 23h): \$10,000.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$9,000.00	

FRN: 1314173 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-1-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 5	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$0.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 13563.25	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$13,563.25	
23i. Total program year pre-discount amount (23e + 23h): \$13,563.25	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$12,206.93	

FRN: 1314209 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-2-0506

FRN: 1314564 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143004340	14. Service Provider Name: Dell Marketing L.P.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-3-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 6	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 9318	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$9,318.00	
23i. Total program year pre-discount amount (23e + 23h): \$9,318.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$8,386.20	

FRN: 1314564 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143004340	14. Service Provider Name: Dell Marketing L.P.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-3-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 583461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 7	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 494.08	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$494.08	
23i. Total program year pre-discount amount (23e + 23h): \$494.08	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$444.67	

FRN: 1314643 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-4-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 8	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 1111.94	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,111.94	
23i. Total program year pre-discount amount (23e + 23h): \$1,111.94	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$1,000.75	

FRN: 1315286 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems

	and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: SS-5
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 2A	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 19288	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$19,288.00	
23i. Total program year pre-discount amount (23e + 23h): \$19,288.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$17,359.20	

FRN: 1318027	FCDL Date: 10/12/2005
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-5-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/16/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 9	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 198.88	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$198.88	
23i. Total program year pre-discount amount (23e + 23h): \$198.88	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$178.99	

FRN: 1323730	FCDL Date: 10/12/2005
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143024190	14. Service Provider Name: John R. Guzzo, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-6-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/17/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 10	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 65180	23g. Ineligible non-recurring amt.: 8085
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$57,095.00	
23i. Total program year pre-discount amount (23e + 23h): \$57,095.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$51,385.50	

FRN: 1323885	FCDL Date: 10/12/2005
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10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143024190	14. Service Provider Name: John R. Guzzo, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: SUPP-HVC
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/17/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 11	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 1014	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,014.00	
23i. Total program year pre-discount amount (23e + 23h): \$1,014.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$912.60	

FRN: 1332857 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 187620000512701
13. SPIN: 143011509	14. Service Provider Name: New England Systems and Software Inc
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: EQU-7-0506
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5183461284	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/27/2005	18. Contract Award Date: 02/17/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 12	22. Block 4 Entity Number: 13788
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 3917.75	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$3,917.75	
23i. Total program year pre-discount amount (23e + 23h): \$3,917.75	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$3,525.98	

Block 6: Certifications and Signature

Do not write in this area.

Application ID:476007

Entity Number 13788	Applicant's Form Identifier NPC5200506intcon
Contact Person Janice Stewart	Phone Number 518-346-1284

Block 6: Certifications and Signature

24. I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
 schools under the statutory definitions of elementary and secondary schools found in the **No Child Left**

- a. Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	\$143,646.10
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$129,281.50
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$14,364.60
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$622,680.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$637,044.60
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. an individual technology plan for using the services requested in this application; and/or
 - b. higher-level technology plan(s) for using the services requested in this application; or
 - c. no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. I certify that I am authorized to order telecommunications and other supported services for the eligible entity

(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.

- 34. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35. I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
- 36. I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
- 37. I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/17/2005 5:26:55 PM

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

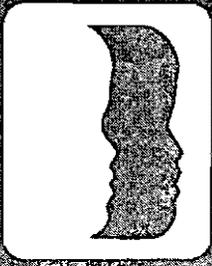
**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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EXHIBIT D



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& CHILD
—◆—
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Children's
Lives
Since 1888**

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CHILDREN
PRESERVE
—◆—
FAMILIES
STRENGTHEN
—◆—
COMMUNITIES

TO: Loraine Hunsinger, Post Commitment Operations, SLD

FROM: Janice Stewart, VP of IT, Northeast Parent & Child Society

DATE: September 10, 2007

RE: Deadline extension request, 471 App# 476007, FRN 1323730

Per your request for further explanation of the reason for this extension request:

Please note that an extension was granted by the SLD for completion of this FRN until September 30, 2006.

Northeast Parent & Child Society underwent a major reorganization in the Finance Office since September of 2006. In September 2006 a CFO was hired to review the structure and activity of the agency's Finance Office due to concerns uncovered in the annual audit of August 2006. Since that time several staff members were terminated, and there have been major staff transitions, including the recent hiring of a new Finance Director. During the agency's annual audit in August 2007, the external audit team discovered that the BEAR forms had not been filed for this approved FRN.

The agency's review of the Finance Office required significant due diligence, and was performed in what is believed to be a timely manner while allowing for a reasonable continuum of business. During this time, it is unfortunate that this deadline was missed. In addition, the annual audit that would bring to light such missing filings was performed in a timely manner. Loss of these funds would be a hardship to the agency. Because of this, we respectfully request an extension of the time allowed to file a BEAR form to recover approved funds. We would complete the filing within 30 days of approval of the extension.

Thank you very much.

EXHIBIT E



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& CHILD

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COMMUNITIES

1 Gemini Plaza
Schenectady, New York 12304

518 346 1284

518 377 8714 (fax)

www.neparentchild.org

Letter of Appeal
Schools and Libraries Division
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

November 10, 2007

Dear Sir or Madam:

Please be advised that this is a letter of appeal regarding the SLD's decision dated September 26, 2007. We requested a deadline extension regarding 471 application number 476007, FRN 1323730. The reason for our request follows.

Northeast Parent & Child Society underwent a major reorganization in the Finance Office since September of 2006. In September 2006 a CFO was hired to review the structure and activity of the agency's Finance Office due to concerns uncovered in the annual audit of August 2006. Since that time several staff members were terminated, and there have been major staff transitions, including the recent hiring of a new Finance Director. During the agency's annual audit in August 2007, the external audit team discovered that the BEAR forms had not been filed for this approved FRN.

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Thank you very much.

Sincerely;

Janice Stewart
VP of Information Technology
Northeast Parent & Child Society
530 Franklin St
Schenectady, NY 12305
518 346-1284 ext 3301
518 372-2869