



INDEPENDENT COMPUTER MAINTENANCE LLC

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June 22, 2009

Letter of Appeal
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

SUPPLEMENT TO
NOTICE OF APPEAL AND
REQUEST FOR REVIEW

Re: APPEAL OF USAC DEMAND PAYMENT LETTER – FUNDING YEAR 2002-2003 DATED MARCH 19, 2009
CC DOCKET NO. 02-6 and CC DOCKET NO. 96-45
FUNDING YEAR: 2002-2003
SPIN: 143026575
FORM 471 APPLICATION NUMBER: 316671
APPLICANT NAME: Horizon School
APPLICANT CONTACT: Alan Mucatel
BILLED ENTITY NAME: Horizon School
BILLED ENTITY NUMBER: 228848
FUNDING REQUEST NUMBERS: 835145, 835157, 835170
BILLED ENTITY & APPLICANT CONTACT PHONE (973) 763-9900 ext 200
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: (973) 916-1800
SERVICE PROVIDER FAX NO.: (973) 916-1986
SERVICE PROVIDER E-MAIL: TONYN@ICMCORPORATION.COM

Enclosure A: Copy of Administrator’s Decision on Appeal – Funding Year 2002-2003 dated May 29, 2009

Gentlemen:

Please accept this letter and its enclosure as Independent Computer Maintenance, LLC’s (“ICM”) supplement to its appeal to the FCC dated May 12, 2009. Subsequent to the filing of that appeal, ICM received the Administrator’s Decision on Appeal - Funding Year 2002-2003 (“Decision”) dated May 29, 2009 which Decision addresses unseasonable and inadequately certain issues that were raised by ICM in its May 12, 2009 FCC appeal. A copy of the Decision is annexed hereto as Enclosure A.

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In response to ICM's assertions contained in a letter to the SLD dated April 21, 2009, that The Demand Payment Letter at issue in the appeal is unenforceable as a matter of law since it is based on documents never received by ICM, the USAC waited until after the deadline for ICM to file its appeal¹ and instead of responding with copies of the alleged correspondence, simply states that it sent copies to ICM without furnishing any proof of its sending them or receipt by ICM. The SLD then finds that ICM did not prove its case that it never received the documents. I don't know how one can prove that you never received something that is in essence absurd proposition. For the record ICM hereby repeats that it did not receive either the revised Funding Commitment Letter allegedly issued on September 22, 2008 or the Administrator's Decision on Appeal allegedly issued on March 6, 2009.

In conclusion, for the reasons set forth in the ICM May 12, 2009 appeal, as supplemented by this submittal, the FCC should grant the appeal and make the determinations ICM requests therein.

If you have any further questions concerning this matter, please contact the undersigned or our Counsel, Gary Marcus of the law firm, Gary Marcus, Attorney at Law, P.C. 600 Old Country Road, Garden City, NY 11530. (516) 301-7776.

Thank you for giving this your immediate attention.

Very truly yours,
Independent Computer Maintenance, LLC

By 
Anthony Natoli, President

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

¹ ICM anticipating such a tactic filed its appeal with the FCC in a timely manner not waiting for a SLD response.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

May 29, 2009

Meir Weinraub
Independent Computer Maintenance, LLC
1037 Route 46 East, Suite C-102
Clifton, NJ 07013

Re: Horizon School

Re: Billed Entity Number: 228848
 471 Application Number: 316671
 Funding Request Number(s): 835170, 835145, 835157
 Your Correspondence Dated: April 21, 2009

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 SLD's Year 2002 Demand Payment Letter for the Application Number indicated above. This letter explains the basis of SLD'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 for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 835170, 835145, 835157

Decision on Appeal: **Denied**

Explanation:

- Upon review of the appeal and relevant documentation we find that USAC did issue a Revised Funding Commitment Letter on September 22, 2006, to the applicant, Horizon School, with a carbon copy (cc) addressed to the service provider, Independent Computer Maintenance at 1037 Route 46 East, Suite C-102, Clifton, NJ 07013. In addition, an Administrator's Decision on Appeal Letter, dated March 6, 2009, was also issued to the applicant and a carbon copy (cc) was addressed to the same service provider listed above. Neither of these letters was returned to USAC as undeliverable, it is assumed that both letters reached their intended location. On appeal, you have failed to provide any evidence that USAC failed to provide notice of decisions made on appeal. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, 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 web site 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

CC:
Alan Mucatel
Horizon School
51 Old Road
Livingston, NJ 07039