

Service Associates, Inc.

160 East Main Street
Brevard, North Carolina 28712
828.885.2832 – 828.885.5023 FAX

October 10, 2009

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

CC Docket Number 02-6
CC Docket Number 96-45

VIA ECFS

**Re: Request for Waiver
"Service Start Date / Funding Commitment Change" decisions for Form 486
Application Number 514141.**

To Whom It May Concern:

This appeal is being filed on behalf of the applicant. My Letter of Agency is attached. My contact information is as follows:

Oliver Frail, Senior Compliance Analyst
Service Associates, Inc.
160 East Main Street
Brevard, NC 28712
ofrail@serviceassoc.com
828.885.2832
828.885.5023 FAX

Applicant Contact: Lynn Lawson, Director of Finance
Union County School District
P.O. Box 907
Union, SC 29379
UCSD@serviceassoc.com
(864) 429-1740

This appeal letter requests reversal of the USAC-SLD "Service Start Date / Funding Commitment Change" decision for Form 486 Application Number 514141.

Regarding: Form 486 Notification Letter:
Date of Letter June 24, 2009
Administrator's Decision on Appeal
Date of Letter August 25, 2009
Applicant Union County School District
Billed Entity Number 127165
Form 471 Application Numbers 595015
Funding Request Numbers 1713223
1713227
1713230
1713237

Service Associates, Inc. is an E-rate compliance support services company providing services exclusively to E-rate applicants

The **Service Start Date Change Explanation** given in the Form 486 Notification Letter is:
"120-DAY 486 DEADLINE"

Grounds for Appeal

Due to an unexpected change in administrative procedures at the District, an unfortunate series of ministerial and procedural errors occurred caused a breakdown in the flow of FCC paperwork. As a result, the District's FCC Form 486, although submitted on December 31, 2008, was not certified by the applicant until June 2009.

Discussion

The District changed the person(s) authorized to certify the FCC Form 486 and the procedures associated with that change did not fully register with the new authorized person. The result and timing of this change was such that one form was certified late. Form(s) 486 No. 515276 and 515256, submitted at the same time, were successfully certified on time.

The students and teachers of this District have been victimized by an unfortunate series of ministerial and procedural errors due to a change in a long history of continuity in how the applicant's FCC Form(s) were/are certified. The applicant has reconsolidated the certification of all FCC Forms to one School District contact; therefore, reinstating the administrative continuity that successfully served the district in prior years.

The fact is that the District was eligible for this important funding, successfully applied for this funding, and then suffered unfortunate temporary ministerial staff collapse with the result that one Form 486 certification slipped through the crack and was not completed until after the filing deadline. Inasmuch as this ministerial error was not substantive, and violated a processing deadline and not a rule of the program, we hope that the Commission will find in the District's favor.

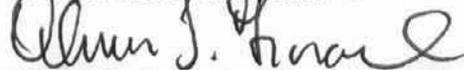
We respectfully request that the Service Start Date Adjustment of these four FRNs be reversed so that this District can claim these important funds. To do otherwise would contribute to unintended consequences of hardship and inequity for the students and teachers in this District.

Closing

We all thank you for your kind attention to this matter. Please contact me if you have any questions or need additional information.

Sincerely,

Service Associates, Inc.



Oliver Frail, Senior Compliance Analyst

Attachment: Letter of Agency
Administrator's Decision on Appeal



The School District of Union County

Office of Finance

130 West Main Street

P.O. Box 907

Union, SC 29379

February 23, 2009

Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is to inform you that the Union County School District has retained Service Associates, Inc. to advise and assist the District in all matters regarding E-Rate and associated matters, effective October 1, 2008, and we hereby authorize you to fully and openly speak and/or correspond with Tom Traywick and/or Oliver Frail and/or Heather Hosey regarding all District matters before USAC-SLD and/or the FCC.

Additionally, Tom Traywick or Oliver Frail or Heather Hosey may serve as the District's Form 471 Block 1 contact person, and as the District's E-rate contact on any other forms requested by the District.

This Letter of Agency will cover the time frame through November 30, 2010, and covers all District applications for all types of services.

Thank you for your assistance in this matter.

Sincerely,

Lynn M. Lawson,
Finance & Operations Officer
Union County School District
(864) 429-1740
Billed Entity 127165

cc: Tom Traywick



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

August 25, 2009

Oliver Frail
Service Associates, Inc.
160 East Main Street
Brevard, NC 28712

Re: Applicant Name: UNION COUNTY SCHOOL DISTRICT
Billed Entity Number: 127165
Form 471 Application Number: 595015
Form 486 Application Number: 514141
Funding Request Number(s): 1713223, 1713227, 1713230, 1713237
Your Correspondence Dated: August 17, 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 USAC's Funding Year 2008 Form 486 Notification 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): 1713223, 1713227, 1713230, 1713237
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from December 10, 2008 the date of the FCDL or July 1, 2008 the SSD indicated on the FCC Form 486, whichever date is later. On April 15, 2009, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on June 10, 2009 which is after the new deadline. Consequently, the SSD has been revised to February 10, 2009, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year, and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the Service Start Date (SSD), the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter (FCDL), whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given additional 20 calendar days from the date of receipt USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Request for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

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

cc: Oliver T. Frail

Oliver Frail
Service Associates, Inc.
160 East Main Street
Brevard, NC 28712

Billed Entity Number: 127165
Form 471 Application Number: 595015
Form 486 Application Number: 514141