

**Before the
Federal Communication Commission
Washington, DC 20557**

In the Matter of)	
)	
Request for Waiver and Review of	)	File No. SLD- _____
the Decision of the Universal Service)	
Administrator)	
)	
by Santa Clara Pueblo Community Library	)	Docket No. 02-6
	)	Docket No. 96-45
Schools and Libraries Universal Service)	
Support Mechanism)	

Re: Santa Clara Pueblo Community Library
Billed Entity: 143276
FRN 13722095
Application Number 579357
Funding Commitment Decision Letter for Funding Year 2007

and Application Number 624091
Funding Commitment Decision Letter for Funding Year 2008

and Application Number 682721
Funding Commitment Decision Letter for Funding Year 2009

**Request for Waiver of Appeal Deadline
and
Review of Decisions of the Universal Service Administrator**

Santa Clara Pueblo Community Library (“Pueblo Library”), through undersigned counsel, respectfully requests (1) a waiver of the deadline to appeal from the Funding Commitment Decision Letter for Funding Year 2008¹ (“FY 2008 Decision Letter”), issued July 29, 2009, attached as Exhibit 1, and review thereof, (2) review of the Funding Commitment Decision Letter for Funding Year 2007 (“FY 2007 Decision Letter”), issued October 15, 2009, attached as

¹The Pueblo Library’s appeals of the FY 2007 Decision Letter and the 2009 Decision Letter are timely.

Exhibit 2, and (3) review of the Funding Commitment Decision Letter for Funding Year 2009 (“FY 2009 Decision Letter”), issued September 3, 2009, attached as Exhibit 3. The Pueblo Library further requests that the Commission make funding decisions on the Pueblo Library’s applications for E-Rate funding for Funding Years 2007, 2008, and 2009

Introduction

Santa Clara Pueblo (“Pueblo”) is a federally recognized Indian tribe located within the state of New Mexico. The Pueblo Library is a Pueblo entity. The Pueblo Library timely submitted applications for E-Rate funding for the years 2007, 2008, and 2009. Pursuant to the FY 2007 Decision Letter, the FY 2008 Decision Letter, and the FY 2009 Decision Letter (collectively, the “Decision Letters”), the Pueblo’s applications were denied because of the Red Light Rule. USAC applied the Red Light Rule to the Pueblo Library because of a debt owed by an unrelated entity, the Santa Clara Day School (“Day School”). The Day School is not a Pueblo entity; it is owned and operated by the Bureau of Indian Education. The Day School’s debt triggered the application of the Red Light Rule to the Pueblo Library because the Day School was (incorrectly) associated with the Pueblo’s Taxpayer Identification Number (“TIN”) in FCC records.

The Pueblo Library seeks review of the Decision Letters and asks the Commission to make funding decisions on its applications for FY 2007, 2008, and 2009. As a preliminary matter, the Pueblo Library requests a waiver of the appeal deadline for the FY 2008 Decision Letter because of delay that resulted from its necessary reliance on the Day School to provide documentation that verified its (the Day School’s) TIN, which the Day School only recently provided.

I. Request for a Waiver of the Deadline to Appeal the FY 2008 Decision Letter

The Commission may waive the application of any of its rules for good cause. 47 C.F.R. § 1.3. The Commission exercises its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. F.C.C.*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission considers hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. F.C.C.*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Accordingly, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. *Northeast Cellular*, 897 F.2d at 1166.

A waiver of the appeal deadline for the FY 2008 Decision Letter is appropriate because the Pueblo Library was completely reliant upon the Day School to take action in order to prove that the Day School was inappropriately linked with the Pueblo Library, and because the Pueblo Library staff reasonably believed that it could not resolve its Red Light status until it could prove that the Day School had a different TIN from the Pueblo. The Pueblo Library first learned about its Red Light status in June, 2009, when it received a Notice of Withholding Action dated June 15, 2009, regarding its applications for FY 2007, 2008, and 2009, a copy of which is attached as Exhibit 4. Affidavit of Teresa Naranjo (“Naranjo Aff.”), attached as Exhibit 5, at ¶ 3. The Pueblo Library immediately investigated the matter, discovered that the Day School was associated with the Pueblo’s TIN. Naranjo Aff. at ¶ 4. The Pueblo Library diligently attempted to resolve the matter. Naranjo Aff. at ¶ 4. The Pueblo Library’s prompt efforts were hindered by its having to rely on the Day School to verify its TIN. Naranjo Aff. at ¶ 4. The Pueblo Library

staff reasonably believed, based on correspondence with USAC and the FCC, that nothing could be done about the Pueblo Library's Red Light status until the Day School asked for and received verification of its TIN from the IRS. Naranjo Aff. at ¶ 5. The Pueblo Library only received verification of the Day School's TIN on October 21, 2009, nearly a month after the time in which to appeal the FY 2008 Decision Letter expired. See Fax from Robin Rodar, Principal, Day School, to Donna M. Connolly, dated October 21, 2009, and Letter from the IRS to the Day School, dated September 28, 2009, attached as Exhibit 8. The small (four-member) staff, inexperienced with administrative processes, did not understand the import of the 2008 Decision Letter as to the Pueblo Library's appeal rights; in fact, the letter was never brought to the attention of the Pueblo Library Director, Teresa Naranjo. Naranjo Aff. at ¶ 6.

In this case, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements by the Pueblo. The Pueblo Library diligently sought to resolve this matter but was hampered by its reliance on the Day School for verification of the Day School's TIN and by the Pueblo Library staff's lack of experience. Rigid compliance with the rules regarding appeal deadlines would not further the purposes of 47 U.S.C. § 254(h), as the Pueblo Library has complied with all other applicable substantive regulations and seeks funding for eligible services pursuant to the E-Rate program, and denial of the request for waiver of the appeal deadline for the FY 2008 Decision Letter would result in a loss of the services to the deserving population that E-Rate funding was intended to serve.

II. Review of the Decision Letters

Although it is located on the Pueblo, the Day School is not owned or operated by, or

affiliated with the Pueblo; it is owned and operated by the Bureau of Indian Education. Affidavit of Governor Walter Dasheno (“Dasheno Aff.”), attached as Exhibit 6, at ¶ 4. The Day School is on Red Light status due to a Funding Year 2001 Notification of Improperly Disbursed Funds Letter. See Appeal pending before the FCC on behalf of the Day School, regarding Billed Entity Number 99343, Form 471 Application Number 222384, Funding Year 2001, and Correspondence Dated April 29, 2009, attached (without attachments) as Exhibit 7. On or about October 21, 2009, the Pueblo Library finally received verification from the Day School of its TIN. See Fax from Robin Rodar, Principal, Day School, to Donna M. Connolly, dated October 21, 2009, and Letter from the IRS to the Day School, dated September 28, 2009, attached as Exhibit 8. That same day, the verification was e-mailed to the FCC, which associated the Day School’s (correct) TIN with its FRN (00127003393). See October 21, 2009 e-mail from Donna M. Connolly to Stephen M. French, and October 22, 2009 e-mail from Stephen M. French to Donna Connolly, attached as Exhibit 9.

The Red Light Rule was the only reason that the Pueblo Library’s applications for FY 2007, 2008, and 2009 were denied. As the Pueblo has demonstrated that it should not be affected by the Day School’s Red Light status, the Commission should reverse the determinations made in the Decision Letters, consider the applications, and make funding decisions on those applications.

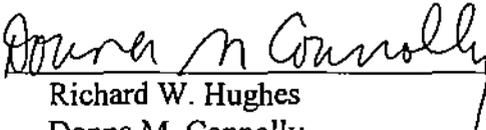
Conclusion

There is good cause to waive the appeal deadline as to the FY 2008 Decision Letter, and therefore the Commission should review the FY 2008 Decision Letter in addition to reviewing the FY 2007 Decision Letter and the FY 2009 Decision Letter. Upon review, the Commission

should reverse the determinations of the Decision Letters, as the Pueblo has demonstrated that the Day School (the entity with a debt to USAC or the FCC) does not share a TIN with the Pueblo Library, so the Pueblo Library's E-Rate funding should not be denied because of the Day School's Red Light status. Finally, the Commission should make funding decisions on the Pueblo Library's applications for E-Rate funding for FY 2007, FY 2008, and FY 2009.

Respectfully submitted,

ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP

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EXHIBIT LIST

- Exhibit 1: Funding Commitment Decision Letter for Funding Year 2008
- Exhibit 2: Funding Commitment Decision Letter for Funding Year 2007
- Exhibit 3: Funding Commitment Decision Letter for Funding Year 2009
- Exhibit 4: Notice of Withholding Action dated June 15, 2009
- Exhibit 5: Affidavit of Teresa Naranjo
- Exhibit 6: Affidavit of Walter Dasheno

Exhibit 1: Funding Commitment Decision Letter for Funding Year 2008



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2008: 07/01/2008 - 06/30/2009)

July 29, 2009

Alisha L. Martinez
SANTA CLARA PUBLIC CMTY LIB
PO BOX 580
ESPANOLA, NM 87532-0580

Re: Form 471 Application Number: 624091
Billed Entity Number (BEN): 143276
Billed Entity FCC RN: 0013722095
Applicant's Form Identifier: SCPCL11

Thank you for your Funding Year 2008 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$187,413.19 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 624091 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2008," AND
 - The exact text or the decision that you are appealing.

- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

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

If you wish to appeal a decision in this letter to 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 by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. 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.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies

Schools and Libraries Division
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CNTY LIB
BEN: 143276
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 624091
Funding Request Number: 1721584
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 590860000655397
SPIN: 143028682
Service Provider Name: Plan B Solutions, Inc.
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 02/04/2008
Contract Expiration Date: 06/30/2009
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$30,000.96
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$30,000.96
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: NRI: The FRN was modified from \$2,340.00 to \$2,500.08 to agree with the applicant documentation. <><><><><> On 07-20-2009 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 07/29/2009
Wave Number: 062
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

NR

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CNTY LIB
BEN: 143276
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 624091
Funding Request Number: 1721612
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 590860000659397
SPIN: 143028682
Service Provider Name: Plan B Solutions, (Inc.
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 02/04/2008
Contract Expiration Date: 06/30/2009
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$95,225.64
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$95,225.64
Discount Percentage Approved by the USAC: 00%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: <><><><> On 07-20-2009 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.
FCDL Date: 07/29/2009
Wave Number: 062
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CNTY LIB
BEN: 143276
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 624091
Funding Request Number: 1721815
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 590860000653397
SPIN: 143008900
Service Provider Name: AllTel Communications
Contract Number: MTH
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: 06/30/2009
Contract Award Date: N/A
Contract Expiration Date: N/A
Site Identifier: 143276

Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$50,454.36
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$50,454.36

Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove: [the ineligible product(s)/service(s) insurance, equipments, Best Mobile Pix, Bid4prizes.com, picture services and Regulatory and Recovery Fee. <><><><>
MR2: The FRN was modified from 4825.35 to \$4204.53 to agree with the applicant documentation. <><><><> On 07-20-2009 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

ECDL Date: 07/29/2009
Wave Number: 062

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 624091
Funding Request Number: 1725640
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 590860000655897
SPIN: 143031315
Service Provider Name: Cyber Mesa Computer Systems, Inc.
Contract Number: MTM
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: 06/30/2009
Contract Award Date: N/A
Contract Expiration Date: N/A
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$24,343.92
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$24,343.92
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: MR1: Your FRN was changed from contractual to MTM service to agree with applicant documentation. <><><><><> MR2: The FRN was modified from \$2469.29 to \$2,028.66 to agree with the applicant documentation. <><><><><> On 07-20-2009 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 07/29/2009
Wave Number: 062
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT

Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
 BEN: 143276
 Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 624091
 Funding Request Number: 1725756
 Funding Status: Not Funded
 Category of Service: Internet Access
 Form 470 Application Number: 590860000655897
 SPIN: 143031315
 Service Provider Name: Cyber Mesa Computer Systems, Inc.
 Contract Number: MTM
 Billing Account Number: N/A
 Multiple Billing Account Numbers: N
 Service Start Date: 07/01/2008
 Service End Date: 06/30/2009
 Contract Award Date: N/A
 Contract Expiration Date: N/A
 Site Identifier: 143276
 Number of Months Recurring Service Provided: in Funding Year: 12
 Annual Pre-discount Amount for Eligible Recurring Charges: \$7,812.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$400.00
 Pre-discount Amount: \$8,212.00
 Discount Percentage Approved by the USAC: 00%
 Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
 Funding Commitment Decision Explanation: Your FRN was changed from contractual to
 MTM service to agree with applicant documentation. <><><><> On 07-20-2009 your
 application was dismissed pursuant to the Red Light Rule which implements
 requirements of the Debt Collection Improvement Act.

FCOL Date: 07/29/2009
 Wave Number: 062

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

Exhibit 2: Funding Commitment Decision Letter for Funding Year 2007



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
 (Funding Year 2007: 07/01/2007 - 06/30/2008)

October 15, 2009

Alisha L. Martinez
 SANTA CLARA PUBLIC CMTY LIB
 PO BOX 580
 ESPANOLA, NM 87532-0580

Re: Form 471 Application Number: 579357
 Billed Entity Number (BEN): 143276
 Billed Entity FCC RN: 0013722095
 Applicant's Form Identifier: SCPCL2007

Thank you for your Funding Year 2007 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$105,462.00 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 579357 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2007," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence

and documentation.

4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (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 by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. 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.

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Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2007

Comment on RAL corrections: ERN(s) modified in accordance with a RAL request.

Form 471 Application Number: 579357
Funding Request Number: 1605384
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 536450000618355
SPIN: 143028682
Service Provider Name: Plan B Solutions, Inc.
Contract Number: 2007 - 502
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Award Date: 02/06/2007
Contract Expiration Date: 06/30/2008
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$28,080.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$28,080.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: The Contract Number was changed from n/a to 2007 - 502 to agree with the applicant documentation. <><><><><> On 7/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 10/15/2009
Wave Number: 80C
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CNTY LIB
BEN: 143276
Funding Year: 2007

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request

Form 471 Application Number: 579357
Funding Request Number: 1605435
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 536450000618351
SPIN: 143028682
Service Provider Name: Plan B Solutions, Inc
Contract Number: 2007 - 503
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Award Date: 02/06/2007
Contract Expiration Date: 06/30/2008
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$89,100.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$89,100.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: MR1: The Contract Number was changed from n/a to 2007 - 503 to agree with the applicant documentation. <><><><><> MR2: In consultation with the applicant, the service provider has been changed to 143028682 SPIN number <><><><><> MR3: FRN modified in accordance with a RAL request. <><><><><>
On 7/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act

FCDL Date: 10/15/2009
Wave Number: 80C
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

Exhibit 3: Funding Commitment Decision Letter for Funding Year 2009



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

September 3, 2009

Larissa Aguilar
SANTA CLARA PUBLIC CNTY LIB
PO BOX 580
ESPANOLA, NM 87532-0580

Re: Form 471 Application Number: 682721
Billed Entity Number (BEN): 143276
Billed Entity FCC RN: 0013722095
Applicant's Form Identifier: SCPL12

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$98,658.97 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 682721 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2009," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

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

If you wish to appeal a decision in this letter to 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 by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. 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.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 476, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections

Form 471 Application Number: 682721
Funding Request Number: 1866074
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 780500000717464
SPIN: 143031315
Service Provider Name: Cyber Mesa Computer Systems, Inc
Contract Number: MTM
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: 06/30/2010
Contract Award Date: N/A
Contract Expiration Date: N/A
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$39,336.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$39,336.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.
FCDL Date: 09/03/2009
Wave Number: 019
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 682721
Funding Request Number: 1866176
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 780500000717464
SPIN: 143031315
Service Provider Name: Cyber Mesa Computer Systems, Inc.
Contract Number: internet
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,700.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$11,700.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CNTY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 682721
Funding Request Number: 1866258
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 78050000071746#
SPIN: 143028101
Service Provider Name: Advanced Network Management, Inc.
Contract Number: Basic Maint
Billing Account Number: ANM MAINT
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$32,025.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$32,025.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 682721
Funding Request Number: 1866302
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 780500000717464
SPIN: 143028101
Service Provider Name: Advanced Network Management, Inc.
Contract Number: smartnet
Billing Account Number: ANM SMARTNET
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,770.08
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$11,770.08
Discount Percentage Approved by the USAC: 00%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 682721
Funding Request Number: 1866411
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 780500000717464
SPIN: 143028101
Service Provider Name: Advanced Network Management, Inc.
Contract Number: ANM cable maint
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,529.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$11,529.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: SANTA CLARA PUBLIC CMTY LIB
BEN: 143276
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 682721
Funding Request Number: 1866554
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 780500000717484
SPIN: 143008900
Service Provider Name: AllTel Communications
Contract Number: MTM
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: 06/30/2010
Contract Award Date: N/A
Contract Expiration Date: N/A
Site Identifier: 143276
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,261.00
Annual Pre-discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-discount Amount: \$3,261.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Red Light Rule Implementation
Funding Commitment Decision Explanation: On 07/20/09 your application was dismissed pursuant to the Red Light Rule which implements requirements of the Debt Collection Improvement Act.

FCDL Date: 09/03/2009

Wave Number: 019

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

Exhibit 4: Notice of Withholding Action dated June 15, 2009



Universal Service Administrative Company
Schools & Libraries Division

Notice of Withholding of Action

June 15, 2009

Larissa Aguilar
SANTA CLARA PUBLIC CMTY LIBRARY
BOX 580
ESPANOLA, NM 87532-0580

CERTIFIED MAIL

Re: Notification of Withholding of Action Pending Red Light Rule

Application Numbers: 579357, 624091, 682721
Billed Entity: 143276
Fund Year: 2007, 2008, 2009

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

As required by 47 C.F.R. § 1.1910(a)(1), we have reviewed our records and determined that as of **06/15/2009**, 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):

SANTA CLARA PUBLIC CMTY LIBRARY

In addition, the same entity is delinquent on the following debt to the FCC:

Pursuant to 47 CFR § 1.1910(b) no further disbursements will be made until the complete debt owed to USAC and the FCC is satisfied and/or arrangements have been made to pay the delinquent debt. **If no payment is made within 30 days of the date of this letter, any pending applications and requests for benefits may be dismissed.** This means that any funding requests filed on the Form(s) 471 listed above will be denied.

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.

If you have any questions regarding the nature of the debt owed to the FCC, please contact them in writing or send an email using the information below:

Address: Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 – 12th Street S.W., Room 1-A821
Washington, DC 20554

E-mail: ARINQUIRIES@fcc.gov

Sincerely,

Schools and Libraries Division
Universal Service Administrative Company

Cc: Plan B Solutions, AllTell Communications, Cyber Mesa, Advanced Network.

Exhibit 5: Affidavit of Teresa Naranjo

**Before the
Federal Communication Commission
Washington, DC 20557**

In the Matter of)	
)	
Request for Waiver and Review of the Decision of the Universal Service Administrator	)	File No. SLD- _____
)	
by Santa Clara Pueblo Community Library	)	Docket No. 02-6
	)	Docket No. 96-45
Schools and Libraries Universal Service Support Mechanism)	

Re: Santa Clara Pueblo Community Library
Billed Entity: 143276
FRN 13722095
Application Number 579357
Funding Commitment Decision Letter for Funding Year 2007

and Application Number 624091
Funding Commitment Decision Letter for Funding Year 2008

and Application Number 682721
Funding Commitment Decision Letter for Funding Year 2009

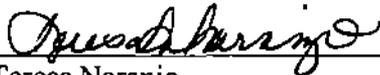
AFFIDAVIT OF TERESA NARANJO

STATE OF NEW MEXICO }
 } ss:
COUNTY OF RIO ARRIBA }

Teresa Naranjo, being first duly sworn, deposes and states as follows:

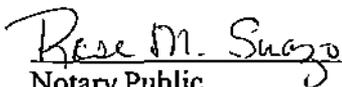
1. I am the Director of the Santa Clara Pueblo Community Library (“Pueblo Library”).
2. The Pueblo Library has four full-time employees, none of whom has experience with administrative appeals.

3. The Pueblo Library first learned about its Red Light status in June, 2009, when it received a Notice of Withholding Action dated June 15, 2009, regarding its applications for FY 2007, 2008, and 2009.
4. The Pueblo Library immediately investigated the matter, discovered that the Day School was associated with the Pueblo's TIN, and diligently attempted to resolve it. We were informed that we needed verification of the Day School's TIN, which was something that we could only get from the Day School
5. My staff and I reasonably believed, based on correspondence with USAC and the FCC, that nothing could be done about the Pueblo Library's Red Light status until the IRS verified the Day School's TIN
6. My staff not understand the effect the 2008 Decision Letter as to the Pueblo Library's appeal rights, as it was never shown to me.



Teresa Naranjo

SUBSCRIBED AND SWORN to before me this 29 day of October, 2009, at Rio Arriba County, New Mexico, by Teresa Naranjo.



Notary Public

My Commission Expires: July 15, 2012

Exhibit 6: Affidavit of Walter Dasheno

**Before the
Federal Communication Commission
Washington, DC 20557**

In the Matter of)	
)	
Request for Waiver and Review of	)	File No. SLD- _____
the Decision of the Universal Service)	
Administrator)	
)	
by Santa Clara Pueblo Community Library	)	Docket No. 02-6
	)	Docket No. 96-45
Schools and Libraries Universal Service)	
Support Mechanism)	

Re: Santa Clara Pueblo Community Library
Billed Entity: 143276
FRN 13722095
Application Number 579357
Funding Commitment Decision Letter for Funding Year 2007

and Application Number 624091
Funding Commitment Decision Letter for Funding Year 2008

and Application Number 682721
Funding Commitment Decision Letter for Funding Year 2009

AFFIDAVIT OF WALTER DASHENO

STATE OF NEW MEXICO }
 } ss:
COUNTY OF RIO ARRIBA }

Walter Dasheno, being first duly sworn, deposes and states as follows:

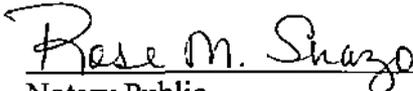
1. I am the Governor of the Pueblo of Santa Clara (“Pueblo”), a federally recognized Indian tribe.
2. I am also a member of the Pueblo of Sant Clara.
3. The Santa Clara Community Library is an entity of the Pueblo.

4. The Santa Clara Day School is not a Pueblo entity. It is owned and operated by the Bureau of Indian Education.



Walter Dasheno

SUBSCRIBED AND SWORN to before me this 29 day of October, 2009, at Rio Arriba County, New Mexico, by Walter Dasheno.



Notary Public

My Commission Expires: July 15, 2012

**Exhibit 7: Appeal pending before the FCC on behalf of the Day School,
without attachments**



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN EDUCATION
Washington, D.C. 20240

Date: September 16, 2009

To: Federal Communications Commission

Office of the Secretary

Marlene H Dortch, Secretary
445 12th Street SW
Washington, DC 20554

From: State Education Agency for the Bureau of Indian Education

1011 Indian School Road NW (Suite 332)
P.O. Box 829
Albuquerque, NM 8710

Subject: Request For Review - CC Docket No 02-06

Reference:	Applicant Name	Santa Clara Day School
	Billed Entity Number:	99343
	Form 471 Application Number	222384
	Funding Year	2001
	Correspondence Dated	April 29, 2009

Disbursed Funds Recovery Explanation (From USAC):

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was determined that the technology plan for this entity was not approved at the time of the submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans prior to submitting the Form 486, for services other than basic telecommunication services. Since this is not a request for basic telecommunication services, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not met USAC will seek recovery of any improperly disbursed funds from the applicant

Supplemental Appeal Information (SEA):

- The Santa Clara Day School developed a technology plan for the year 2001. The submitted this to their school board for approval and communicated it to their next level of Bureau of Indian Education (BIE) Management, the Education Line Officer (ELO). At the time the ELO was authorized to approve technology plans. Santa Clara Day School was under the impression that this process approved their technology plan.
- During this period, Santa Clara Day School was also under the impression that the BIE (formerly Office of Indian Education Programs – OIEP) had a higher level master plan that would cover the school. Unfortunately the BIE only had a plan submitted but not yet approved by the Department of Education (DOE). The DOE subsequently approved a Master Technology Plan for the BIE schools in 2005 and dated it back to 2002 but this did not cover the funding year in question nor does not adhere to E-Rate program rules.
- The school acted in good faith and took the steps to develop and get their technology plan approved. They were unaware of the situation with the BIE master technology plan and therefore did not take the additional step to ensure the documentation of the approval by the ELO.
- **The school should be granted leniency in this case as they followed the rules to the best of their knowledge and ability. The school used all equipment purchased through E-Rate in good faith and stewardship. Santa Clara Day School is a small school of approximately 140 students; the diversion of \$171,334.80 would induce extreme financial hardship making it difficult for Santa Clara Day School to carry out its mission of educating its students.**

Attached Documents

- Original SLD Administrator's Decision on Appeal – FundingYear2001 – 2002
 - SantaClaraSLDAppealDenial2001-2002.pdf
- A memorandum sent to all schools during this period. This memorandum identifies the Education Line Officers (ELO) as the individuals assigned to approve the individual schools technology plans.
 - SantaClaraELODocument.pdf
- A memorandum to which budget information was attached sent to the school board for approval of the school's technology plan.
 - SantaClaraBudgetDocument.pdf
- A copy of the Technology Plan developed by the School which contains all elements required by the E-Rate program.
 - SantaClaraTechnologyPlan2001.pdf

Request For Review - CC Docket No 02-06

A handwritten signature in black ink, appearing to read 'B. Stoneberger', with a long horizontal stroke extending to the right.

Brett A. Stoneberger
BIE E-Rate and Technology Plan Coordinator
BIE State Education Agency

cc: A. Foster, K Skenandore, B Stevens, D Talayumptewa, R Rodar

Exhibit 8: Fax from Robin Rodar, Principal, Day School, to Donna M. Connolly, dated October 21, 2009, and Letter from the IRS to the Day School, dated September 28, 2009

SANTA CLARA DAY SCHOOL
2 KEE STREET
ESPANOLA, NEW MEXICO 87532

FACSIMILE TRANSMITTAL SHEET

TO: Donna Conally	FROM: Robin Rodar, Principal 
COMPANY: Rothstein Law Firm	DATE: 10/21/2009
FAX NUMBER: 505-982-0307	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 505-988-8004	PHONE NUMBER: 505-753-4406
RE: TIN	FAX: 505-753-8866

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:



RECEIVED SEP 28 2009

OGDEN UT 84201-0038

In reply refer to: 0448810138
Sep. 28, 2009 LTR 3064C EO
85-0197413 000000 00
00021199
BODC: TE

US DEPT OF THE INTERIOR
BUREAU OF INDIAN EDUCATION
>SANTA CLARA DAY SCHOOL
2 KEE ST
ESPANOLA NM 87532



8494

Taxpayer Identification Number: 85-0197413

Dear Taxpayer:

Thank you for your correspondence.

If you made an error on an application form, you need to correct the application to reflect the correct information. Internal Revenue Service cannot correct your application/s.

If you need forms, schedules, or publications, you may get them by visiting the IRS website at www.irs.gov or by calling toll-free at 1-800-TAX-FORM (1-800-829-3676).

If you have any questions, please call us toll free at 1-800-829-0115.

If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

Exhibit 9: October 21, 2009 e-mail from Donna M. Connolly to Stephen M. French, and October 22, 2009 e-mail from Stephen M. French to Donna Connolly

Donna Connolly

From: ARINQUIRIES [ARINQUIRIES@fcc.gov]
Sent: Thursday, October 22, 2009 9:45 AM
To: Donna Connolly
Subject: RE: Santa Clara Pueblo Community Library

Donna,

I will go ahead and associate the new TIN to Santa Clara Day School's FRN 00127003393. This should remove the Red Light from the Library within 24 hours. You will need to contact USAC directly to determine what your options regarding the funds that were withheld due to the Red Light issue.

Stephen M. French
Protiviti Government Services
OMD-Financial Operations
Office: 2-A629
Direct Line: 202-418-1878
Fax: 202-418-7869

From: Donna Connolly [mailto:donna@rothsteinlaw.com]
Sent: Wednesday, October 21, 2009 6:47 PM
To: ARINQUIRIES
Subject: Santa Clara Pueblo Community Library

Stephen,

Attached is a fax I received today from the Santa Clara Day School. As you can see, it is a letter from the IRS addressed to the Day School, referencing TIN 85-0197413. (Santa Clara Pueblo's TIN is 85-0216550).

Is this correspondence sufficient to enable FCC to clear up its records and remove the red light from Santa Clara Pueblo Community Library? If so, is this something that you can do?

If not, please let me know what is needed.

Also, as I mentioned in my voice mail message earlier today, I have a few questions regarding the Pueblo's rights related to the Notice of Dismissal it received, so please call me when you have a chance.

Thanks,

Donna

Donna M. Connolly, Esq.

Rothstein, Donatelli, Hughes, Dahlstrom,

Schoenburg and Bienvenu, LLP

1215 Paseo de Peralta

P.O. Box 8180

Santa Fe, NM 87504-8180

505-988-8004

Fax: 505-982-0307

This communication and any attachments are ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL and are intended for use only by the individual or entity named above as the intended recipient. If you are not the intended recipient, reading, distributing, or copying this communication is strictly prohibited. If you have received this communication in error, please notify the sender and delete this e-mail and any attachments. Thank you.

<<...>>

**Before the
Federal Communication Commission
Washington, DC 20557**

In the Matter of)	
)	
Request for Waiver and Review of	)	File No. SLD- _____
the Decision of the Universal Service)	
Administrator)	
)	
by Santa Clara Pueblo Community Library	)	Docket No. 02-6
	)	Docket No. 96-45
Schools and Libraries Universal Service)	
Support Mechanism)	

Re: Santa Clara Pueblo Community Library
Billed Entity: 143276
FRN 13722095
Application Number 579357
Funding Commitment Decision Letter for Funding Year 2007

and Application Number 624091
Funding Commitment Decision Letter for Funding Year 2008

and Application Number 682721
Funding Commitment Decision Letter for Funding Year 2009

CERTIFICATE OF SERVICE

COMES NOW Donna M. Connolly, counsel for Plaintiff, and certifies that on the 30th day of October, 2009, she served a copy of this Certificate of Service together with the original and once copy of the following by U.S. mail, postage prepaid, on Universal Services Administrative Company, Schools and Libraries Division, 100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981.

1. Request for Waiver of Appeal Deadline and Review of Decisions of the Universal Service Administrator.

By: Donna M. Connolly

Richard W. Hughes
Donna M. Connolly
1215 Paseo de Peralta
P.O. Box 8180
Santa Fe, New Mexico 87504-8180
(505) 988-8004
Fax: (505) 982-0307
e-mail: rwhughes@rothsteinlaw.com
donna@rothsteinlaw.com