

**Before the
Federal Communications Commission
Washington DC**

In the Matter of:

)	
Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
for Thomasville City, Georgia)	October 28, 2009
Public Schools)	
)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Request for Review

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, by way of its consultant, E-Rate Central, now comes Thomasville City, Georgia public schools (Thomasville) before the Federal Communications Commission (FCC) to request review of a Decision on Appeal by the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). This appeal comes timely submitted within 60 days of the Administrator decision.

Requestor: Thomasville City Public Schools
Billed Entity Number: 127530
FCC Registration Number 0013076377
Funding Request Number: 1460887
Form 471 Number: 529557

In correspondence dated May 8, 2009, the Administrator issued a Commitment Adjustment Letter, adjusted the funding commitment for the above referenced FRN contending Universal Service funds were improperly disbursed for cellular telephone services for AllTel. Specifically,

charges associated with an additional cellular line not requested but included in the AllTel invoices and “Equipment/Fees” included in the November 2006 invoice.

Thomasville appealed this decision on July 6, 2009. On October 28, 2009 the Administrator denied the Thomasville appeal.

Thomasville asks the Commission to overturn this decision because additional lines not listed on an E-Rate application are, under most circumstances eligible for funding and “equipment/fees” do not specifically detail an amount ineligible for funding. Under program rules, most “fees” are eligible for funding with the exception of late fees, fees for unlisted service, or fees for directory advertising and a few others. A line item in a bill listing “equipment/fees” may or may not be mostly eligible for discounts.

First, the additional line not listed on the original Form 471 or Item 21 attachment should be eligible for discounts. An additional line, service, or piece of equipment not listed on a Form 471 but included in an otherwise eligible funding request is treated like a “Service Substitution” when discovered. If the item would qualify as an approved service substitution, it will be funded. If not, it will be denied.

In this case a single cellular phone line above the original requested number was discovered during the audit. According the Frequently Asked Questions regarding service substitutions on the Administrator Web site:

“ If consistent with the applicant's Technology Plan, Form 470, and Request for Proposal (if any), additional products or services may be obtained within the same functionality provided that the applicant has the resources to make effective use of the new configuration. "Better" or "faster" products or services are allowed within the same functionality. Additional products or services that have a different functionality cannot be obtained.”

There is no question an additional cellular phone line would be approved as a service substitution. For a matter of convenience and program efficiency, the Commission should recognize the amount of service requested in January or February will vary by some degree during the following July through June period and allow a percentage variance for numbers of cellular or landlines. A variance of ten percent should be allowed – without allocating additional Universal Service funds after initial funding commitment.

Second, Thomasville believes most of the \$1,031 Commitment Adjustment was related to the additional cellular phone line and the remaining amount for “equipment/fees” should be considered de minimus in accordance with the Commission’s Third Report and Order. As noted above, the exact amount of ineligible invoice is difficult to ascertain with the limited information provided.

Respectfully Submitted this 25th Day of December 2009,

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