

LETTER OF APPEAL

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

CC DOCKET: 02-6

FROM: Meir Nussbaum,
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Billed Entity # 12064
Form 470 Application # 499470000639171 from 2008
Form 471 Application # 629810 and
Form 471 Application # 630083

Re: Funding Year 2008 Form 471, not completed

I am appealing in reference to the USAC letter which stated, "The Form 471 application filing deadline was late to USAC website thus violating program rules."

BASIS OF APPEAL

The appeal is based on two considerations:

- Everything was done online. I filled out the Form 471 online for the 3 funding requests, and then I submitted it. One Form 471 was accepted and even got funding. The above two mentioned 471s were filed at the same time and did not get funding. The system did not indicate any error message for these supposed erroneous submittals.
- I am a new employee at the Masores Bais Yaakov School. Although I did not have much experience with eRate, I diligently researched the program in order to be well prepared to comply with all its requirements. I read the correspondence that we received and made certain to be current in respect to all the filing requirements. This is first time I did it without my predecessor's input.

USAC SUBMITTALS

The following are the USAC status of the respective submittals:

SUBMITTAL

**2008 Form 470 Application Number: 499470000639171 Applicant's Form Identifier: mby470fy08
Application Status: CERTIFIED Posting Date: 11/16/2007 Allowable Contract Date: 12/14/2007
Certification Received Date: 11/16/2007**

Form 471 Application Number Applicant Form Identifier Application Status

629810 2008XCH471 Incomplete
630119 mby471fy08 FCDL Issued - 05/06/2008
630083 MBY471FY08 Incomplete

DENIAL

Although everything was filed on a timely basis there is a idiosyncrasy of the SLD process that requires 471s – unlike a 470 – to be filed separately. While SLD seemed to accept three 471s for the single 470, in essence it only accepts one.

When I tried to resubmit at a later date I was told the second submittal resulted in a situation where the application is out of window.

SUMMARY

The only out of window consideration is that the original Form 471 was filed but its denial was not indicated. by SLD. This error should have been detected by the USAC system and it wasn't. If I had a little more experience with the idiosyncrasies of the system, I would have checked again.

The eRate program is vital to our school. At this uncertain time in our history and the inherent difficulties of securing funds in such an environment, we beseech you to please remain our partner in educating America's children. I am respectfully requesting your understanding in this matter. I guarantee that future deadlines will not be missed. I am asking you, please, to guarantee our funding by including our application with the other FY08 applications.

Thank you so much for your consideration.