

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

In the matter of)
)
Request for Waiver by)
)
Parlier Unified School District)
Parlier, California)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)
)

REQUEST FOR WAIVER

Funding year 2005 (7/1/2005 to 6/30/2006)
Billed Entity Name: Parlier Unified School District (Parlier)
Billed Entity No.: 144051
Form 471 Application Nos.: 473667, 477856
Funding Request Number(s): 1306005, 1306023, 1315942

I. Introduction and Background

Parlier Unified School District ("Parlier") respectfully requests a waiver of the rule requiring that applicants base requests for services to be purchased with Schools and Libraries support discounts on an approved technology plan. See Federal-State Joint Board on Universal Service, Report and Order, CC Docket No. 96-45, *Universal Service Order*, 12 FCC Rcd at 9077-78 (rel. May 7, 1997). Good cause exists to waive the rule, and waiver of the rule would serve the public interest better than strict adherence to the rule.

Parlier is an eligible applicant for discounts under the Universal Service Support Mechanism for Schools and Libraries, commonly referred to as the "E-rate program." It is one of the districts most in need of the support from E-rate program in that its discount level is 90%. Parlier was approved for discounts for Funding Year 2005, on their Form 471 application numbers 473667 and 477856. There are two Funding Request Numbers (FRNs) in question on application 473667 (1306005 and 1306023) and one on application 477856 (1315942). These FRNs represent requests for internet access¹ which required an approved technology plan to cover the entities receiving such service(s).

¹ When Parlier originally submitted their Forms 471 they listed the services as Internal Connections. Upon Program Integrity Assurance (PIA) review, the category of service was changed to Internet Access. In

The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC), which administers the E-rate program, sent three separate Notification of Improperly Disbursed Funds (NIDFs) letters each dated April 9, 2010, informing Parlier that funds had been improperly disbursed on all three of the referenced FRNs.² The reason cited was that "it was determined that the technology plan did not cover the entire funding year for [the] funding request[s]."

Parlier endured a financial crisis in 2005. Fresno County Office of Education loaned the district \$ 2,000,000 and exercised its "Stay and Rescind" authority under California law. Along with department disbursements and personnel resignations, Parlier obtained multiple interim Superintendents. During this time frame, the staff person who was responsible for E-rate filing and completing the Technology Plan and his immediate supervisor both left as well. It was a very difficult time for the district that affected not only the faculty members but students as well. It is because of this unavoidable financial and management fallout that many deadlines were not met including the technology plan approval. Thus the technology plan was not approved until June 12, 2006, eleven and a half months into the funding year service period. However, for the reasons given below, Parlier argues that the requirement for having a technology plan in place should be waived as it pertains to all three FRNs in question.

Due to the different circumstances surrounding each of the three FRNs, it is important to separate them and address each individually.

FRN 1306005

This FRN was for circuits ordered on a month-to-month basis, from Pacific Bell Telephone Company. As stated above, the original Form 471 was submitted requesting this service in the Internal Connections category³. Upon PIA review, the category was changed to Internet Access. In fact, this FRN should have been classified as a request for Telecommunications Service as this FRN is for telephone lines. (It could be seen as a continuation of FRN 1194025 on Parlier's Funding Year 2004 Form 471 430031, which was also for Pacific Bell Telephone Company (SPIN 143002665) and which was properly applied for in the Telecommunications Service category.)

Recent SLD review determined that since the technology plan was not in place until June 12, 2006, USAC would seek recovery of improperly disbursed funds in the amount of \$ 106,386.24 "for the part of the funding year not

actuality, the services ordered in FRNs 1306005 and 1306023 should have been classified as Telecommunication Services.

² See attached Notification of Improperly Disbursed Funds letters dated April 9, 2010.

³ The underlying Form 470 (370670000524501) did not even include Internal Connections, but did include both Telecommunication Services and Internet Access.

covered by the technology plan." Again, given the upheaval in the school district in 2005, it was an unfortunate but understandable omission that the requirements for the technology plan were overlooked. However, since most of these circuits are for basic telephone service, the requirement of a technology plan should not have been imposed for that portion of the FRN.

In addition, the NIDF informed Parlier that since the applicant "failed to retain or produce at the request of the representative...all invoicing to support applicant portion or billings to USAC," Parlier would have to repay the entire amount of \$ 112,228.26 which had been disbursed. Since that time Parlier has improved their understanding of the required documentation and now has the proof that, in fact, they did pay their portion of the bills in full.⁴ As such, it is the requirement that \$106,386.24 must be recovered that is at issue.

FRN 1306023

This FRN was also for circuits ordered on a month-to-month basis, from SBC Advanced Solutions, Inc. (It should be noted that as a result of merger and acquisition, the NIDF refers to the service provider as AT&T Corp., albeit with the same SPIN, 143022137). Again, although the applicant originally indicated that the FRN was for Internal Connections, it was reclassified by PIA to Internet Access (and more appropriately should have been listed as Telecommunications Service). This FRN can also be seen as a continuation of FRN 1195024 on Parlier's Funding Year 2004 Form 471 430031, which was also with SBC Advanced Solutions, Inc. and was properly applied for in the Telecommunications Service category.)

Recent SLD review determined that since the technology plan was not in place until June 12, 2006, USAC would seek recovery of improperly disbursed funds in the amount of \$ 7,400.83 "for the part of the funding year not covered by the technology plan." Again, given the upheaval in the school district in 2005, it was an unfortunate but understandable circumstance that the need to have the technology plan approved prior to the beginning of service was not met.

FRN 1315942

This FRN was for Internet Access services obtained from eChalk Inc. Again, the applicant originally applied for this FRN under Internal Connections and PIA changed the category to Internet Access, but as eChalk is not an eligible telecommunications provider that reclassification is correct.

Recent SLD review determined "During the course of review it was discovered that your technology plan became effective on 06/12/2006, which was after the instillation [sic] date of 07/01/2005 for the 1 time charge.

⁴ Please see attached documentation, labeled Applicant's Proof of Payment.

Therefore, USAC will seek recovery of improperly disbursed funds for this FRN in the amount of \$37,620.00 for the part of the funding year not covered with the plan."

Again, given the financial and management chaos in the school district in 2005, it was understandable that the deadline requirement of having the technology plan approved prior to the beginning of service delivery was not met.

II. Legal Standard

A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *affirmed WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied* 409 U.S. 1027 (1972). In sum, 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. *See Northeast Cellular*, 897 F.2d at 1166.

III. Discussion

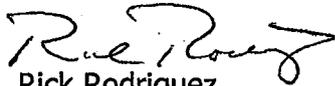
Given the facts and circumstances described above, waiver would better serve the public interest than strict adherence to the general rule. *See Northeast Cellular*, 897 F.2d at 1166. First, the denial of funding will inflict undue hardship on the Parlier district and the schools it serves. *See Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, ¶ 11 (rel. May 19, 2006). The Parlier Unified School District serves many poor, mostly Hispanic, rural students. Neither Parlier nor its participating schools have reserved the money necessary to repay the funding commitments made in 2005, anticipating that the services provided were properly approved and would be paid for through the E-rate program.

With two schools in the district, John C. Martinez Elementary and Parlier Junior High, identified by the United State Department of Education as Persistently Lowest Achieving School (PLAS), it is critical for Parlier to focus on the strides it is making with academic efforts. To repay these commitments, Parlier will be required to use funds that otherwise would be spent on needed effort to improve on student academic achievement through education technologies, negatively impacting an already disadvantaged student body.

IV. Prayer for Relief

For the reasons set forth above, Parlier respectfully requests that the requirement that a technology plan is approved prior to the delivery of service be waived for Funding Year 2005. In the event that the requirement cannot be waived, we request that SLD be directed to work with Parlier to arrive at a payment schedule which the district can accommodate within its limited resources.

Respectfully submitted,



Rick Rodriguez
District Superintendent

Attachments

49 Parlier Unified
 Fiscal Year: 2006
 Requested by rparedes

DETAILED GENERAL LEDGER

From 7/1/2005 thru 6/30/2006

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Fund: 0100 General Fund

Date	Reference	Vend#	Description	Doc#	Fu---Re---Y-Gl---Fn---Ob---Si---L1	Debit	Credit
590004 Telephone							
07/22/05	PV-50489	1105	Cancel Warrant #510836601	510836601	0100-00000-0-0000-8400-590004-001-00		20,000.00
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.70	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	243.28	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	16.55	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	70.59	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	359.97	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	65.86	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	46.40	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	17.69	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.21	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.21	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	28.72	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	10.39	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.21	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.21	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.55	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	84.22	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	14.50	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	84.18	
09/09/05	PO-60169	1105	SBC/MCI	510919494	0100-00000-0-0000-8400-590004-001-00	18,087.57	
10/07/05	PO-60229	1344	SBC	510927800	0100-00000-0-0000-8200-590004-000-00	60.17	
10/07/05	PO-60229	1344	SBC	510927800	0100-00000-0-0000-8200-590004-000-00	60.17	
10/07/05	PO-60230	1830	SBC LONG DISTANCE	510927801	0100-00000-0-0000-8200-590004-000-00	43.69	
10/07/05	PO-60231	1645	VERIZON	510927805	0100-00000-0-0000-8200-590004-000-00	40.65	
10/07/05	PO-60231	1645	VERIZON	510927805	0100-00000-0-0000-8200-590004-000-00	40.38	
10/07/05	PO-60231	1645	VERIZON	510927805	0100-00000-0-0000-8200-590004-000-00	45.93	
10/07/05	PO-60231	1645	VERIZON	510927805	0100-00000-0-0000-8200-590004-000-00	41.05	
10/14/05	PO-60285	111	AT&T	510929749	0100-00000-0-0000-8200-590004-000-00	23.51	
10/19/05	PO-60229	1344	SBC	510930699	0100-00000-0-0000-8200-590004-000-00	60.17	
10/19/05	PO-60230	1830	SBC LONG DISTANCE	510930700	0100-00000-0-0000-8200-590004-000-00	53.27	
11/18/05	PO-60229	1344	SBC	510940416	0100-00000-0-0000-8200-590004-000-00	60.17	
11/18/05	PO-60230	1830	SBC LONG DISTANCE	510940417	0100-00000-0-0000-8200-590004-000-00	51.74	
11/18/05	PO-60231	1645	VERIZON	510940420	0100-00000-0-0000-8200-590004-000-00	40.39	
11/18/05	PO-60231	1645	VERIZON	510940420	0100-00000-0-0000-8200-590004-000-00	56.60	
11/18/05	PO-60231	1645	VERIZON	510940420	0100-00000-0-0000-8200-590004-000-00	41.07	
11/18/05	PO-60231	1645	VERIZON	510940420	0100-00000-0-0000-8200-590004-000-00	53.22	
12/02/05	PO-60229	1344	SBC	510944245	0100-00000-0-0000-8200-590004-000-00	60.17	
12/02/05	PO-60230	1830	SBC LONG DISTANCE	510944246	0100-00000-0-0000-8200-590004-000-00	64.82	
12/02/05	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510944238	0100-00000-0-0000-8200-590004-000-00	1,918.23	

49 Parlier Unified
 Fiscal Year: 2006
 Requested by rparedes

DETAILED GENERAL LEDGER

From 7/1/2005 thru 6/30/2006

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Fund: 0100 General Fund

Date	Reference	Vend#	Description	Doc#	Fu---Re---Y-Gl---Fn---Ob---Si---L1	Debit	Credit
590004 Telephone							
01/11/06	PO-60229	1344	SBC	510954009	0100-00000-0-0000-8200-590004-000-00	60.17	
01/11/06	PO-60230	1830	SBC LONG DISTANCE	510954010	0100-00000-0-0000-8200-590004-000-00	58.70	
01/11/06	PO-60231	1645	VERIZON	510954016	0100-00000-0-0000-8200-590004-000-00	40.39	
01/11/06	PO-60231	1645	VERIZON	510954016	0100-00000-0-0000-8200-590004-000-00	74.91	
01/11/06	PO-60231	1645	VERIZON	510954016	0100-00000-0-0000-8200-590004-000-00	40.39	
01/11/06	PO-60231	1645	VERIZON	510954016	0100-00000-0-0000-8200-590004-000-00	72.74	
01/11/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510954007	0100-00000-0-0000-8200-590004-000-00	3,093.78	
02/08/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510962588	0100-00000-0-0000-8200-590004-000-00	2,869.57	
02/10/06	PO-60230	1830	SBC LONG DISTANCE	510963472	0100-00000-0-0000-8200-590004-000-00	40.76	
02/10/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510963464	0100-00000-0-0000-8200-590004-000-00	2,762.91	
02/22/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510967363	0100-00000-0-0000-8200-590004-000-00	2,870.38	
03/08/06	PO-60231	1645	VERIZON	510971291	0100-00000-0-0000-8200-590004-000-00	72.96	
03/08/06	PO-60231	1645	VERIZON	510971291	0100-00000-0-0000-8200-590004-000-00	39.87	
03/17/06	PO-60230	1830	SBC LONG DISTANCE	510974542	0100-00000-0-0000-8200-590004-000-00	80.72	
03/17/06	PO-60231	1645	VERIZON	510974547	0100-00000-0-0000-8200-590004-000-00	99.85	
03/17/06	PO-60231	1645	VERIZON	510974547	0100-00000-0-0000-8200-590004-000-00	39.22	
03/17/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510974534	0100-00000-0-0000-8200-590004-000-00	2,962.24	
04/07/06	PO-60230	1830	SBC LONG DISTANCE	510981167	0100-00000-0-0000-8200-590004-000-00	58.20	
04/07/06	PO-60231	1645	VERIZON	510981170	0100-00000-0-0000-8200-590004-000-00	39.86	
04/07/06	PO-60231	1645	VERIZON	510981170	0100-00000-0-0000-8200-590004-000-00	90.36	
05/10/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510991008	0100-00000-0-0000-8200-590004-000-00	2,972.48	
05/17/06	PO-60370	1063	NEXTEL COMMUNICATIONS INC	510993186	0100-00000-0-0000-8200-590004-000-00	2,985.99	
05/19/06	PO-60230	1830	SBC LONG DISTANCE	510994040	0100-00000-0-0000-8200-590004-000-00	100.56	
05/19/06	PO-60231	1645	VERIZON	510994052	0100-00000-0-0000-8200-590004-000-00	39.89	
05/19/06	PO-60231	1645	VERIZON	510994052	0100-00000-0-0000-8200-590004-000-00	100.70	
06/09/06	PO-60229	1344	ATT	511000886	0100-00000-0-0000-8200-590004-000-00	59.78	
06/09/06	PO-60230	1830	SBC LONG DISTANCE	511000902	0100-00000-0-0000-8200-590004-000-00	62.18	
06/09/06	PO-60231	1645	VERIZON	511000908	0100-00000-0-0000-8200-590004-000-00	39.91	
06/09/06	PO-60231	1645	VERIZON	511000908	0100-00000-0-0000-8200-590004-000-00	68.65	
06/21/06	PV-61114	1063	NEXTEL COMMUNICATIONS INC	511004203	0100-00000-0-0000-8200-590004-000-00	2,747.85	
06/28/06	PO-60229	1344	ATT	511007707	0100-00000-0-0000-8200-590004-000-00	322.78	
06/28/06	PO-60230	1830	SBC LONG DISTANCE	511007777	0100-00000-0-0000-8200-590004-000-00	62.18	
06/30/06	LB-60023	1830	SBC LONG DISTANCE		0100-00000-0-0000-8200-590004-000-00	320.18	
06/30/06	LB-60085	1830	SBC LONG DISTANCE		0100-00000-0-0000-8200-590004-000-00	48.82	
06/30/06	LB-60086	1063	NEXTEL COMMUNICATIONS INC		0100-00000-0-0000-8200-590004-000-00	3,018.84	
Total Activity						50,536.89	20,000.00
Ending Balance						30,536.89	0.00

DETAILED GENERAL LEDGER

From 7/1/2005 thru 6/30/2006

Statement of Net Assets		Amount	Statement of Financial Activity		Amount
Assets			Revenues		
9110 Cash In County Treasury		\$0.00	8000 Revenues		\$0.00
9111-9140 Other Cash		0.00			
9150 Investments		0.00	Expenditures		
9200 Accounts Receivable		0.00	1000 Certificated		\$0.00
9290 Due From Grantor Governments		0.00	2000 Classified		0.00
9310 Due From Other Funds		0.00	3000 Benefits		0.00
9320 Stores		0.00			
9330 Prepaid Expenditures		0.00	Total 1000 - 3000		0.00
9340 Other Current Assets		0.00			
9400 Fixed Assets		0.00	4000 Books & Supplies		0.00
			5000 Services & Other		30,536.89
Total Assets		<u>\$0.00</u>	Total 4000 - 5000		30,536.89
			Total 1000 - 5000		30,536.89
Liabilities					
9500-9589 Accounts Payable		\$0.00	6000 Capital Outlay		0.00
9590 Due To Governments		0.00	7000 Other Outgo/Financing Uses		0.00
9610 Due To Other Funds		0.00			
9620 Due To Student Groups/ Other Agencies		0.00	Total 1000 - 7000		30,536.89
9640 Current Loans		0.00			
9650 Deferred Revenue		0.00	Total Net Increase/(Decrease)		(30,536.89)
9660-9669 Long Term Liabilities		0.00			
9910 Suspense Clearing		0.00	Beginning Balance		0.00
			Ending Balance (9790)		<u>(\$30,536.89)</u>
Total Liabilities		<u>0.00</u>			
Fund Balance		<u>(30,536.89)</u>	Components of Ending Balance		
			Reserves (9710 - 9719)		0.00
Total Liabilities and Fund Balance		<u>(\$30,536.89)</u>	Designated (9770 - 9780)		0.00
			Undesignated		(30,536.89)

Notification of Improperly Disbursed Funds Recovery Letter
Funding Year 2005: July 1, 2005 - June 30, 2006

April 9, 2010

Kant Deemark
PARLIER UNIF SCHOOL DISTRICT
900 S NEWMARK AVE
PARLIER, CA 93648 2034

Re: Form 471 Application Number: 477856
Funding Year: 2005
Applicant's Form Identifier: EMAIL/WEB
Billed Entity Number: 144051
FCC Registration Number: 0013461371
SPIN: 143020189
SPIN Name: eChalk Inc.
Service Provider Contact Person: Torrance Robinson

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were disbursed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now recover these improper disbursements. The purpose of this letter is to inform you of the recoveries as required by Program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the Program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error.

This is NOT a bill. The next step in the recovery of improperly disbursed funds process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

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

If you wish to appeal the Notification of Improperly Disbursed Funds decision indicated in this letter to USAC your appeal must be received 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 email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Improperly Disbursed Funds Recovery Letter and the funding request numbers you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Funding Disbursement Recovery Report included with this letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a 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 us by fax, fax your appeal to (973) 599-6542.

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

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

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

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 on 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.

FUNDING DISBURSEMENT RECOVERY REPORT

On the pages following this letter, we have provided a Funding Disbursement Recovery Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from the application for which recovery is necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the service provider for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on these FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action. The Report explains the exact amount the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc:Torrance Robinson
eChalk Inc.

Funding Disbursement Recovery Report
for Form 471 Application Number: 477856

Funding Request Number: 1319542
Services Ordered: INTERNET ACCESS
SPIN: 143020189
Service Provider Name: eChalk Inc.
Contract Number: N/A
Billing Account Number: N/A
Site Identifier: 144051
Funding Commitment: \$37,620.00
Funds Disbursed to Date: \$37,620.00
Funds to be Recovered from Applicant: \$37,620.00

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that the funds were improperly disbursed on this funding request. During the course of a review it was determined that the technology plan did not cover the entire funding year for this funding request. Program rules require that a technology plan be effective during the entire funding year in which the applicant is seeking support for services other than basic telecommunication service. On the Form 486 it was indicated that the services for FRN 1319542 began on 07/01/2005. Additionally, your Form 471 indicated 06/30/2006 as a Service End Date for this FRN. During the course of review it was discovered that your technology plan became effective on 06/12/2006, which was after the instillation date of 07/01/2005 for the 1 time charge. Therefore, USAC will seek recovery of improperly disbursed funds for this FRN in the amount of \$37,620.00 for the part of the funding year not covered with the technology plan.

Kant Deemark

PARLIER UNIF SCHOOL DISTRICT

900 S NEWMARK AVE

PARLIER, CA 93648



Notification of Improperly Disbursed Funds Recovery Letter
Funding Year 2005: July 1, 2005 - June 30, 2006

April 9, 2010

Kant Deemark
PARLIER UNIF SCHOOL DISTRICT
900 S NEWMARK AVE
PARLIER, CA 93648 2034

Re: Form 471 Application Number: 473667
Funding Year: 2005
Applicant's Form Identifier: CIRCUIT-Y8
Billed Entity Number: 144051
FCC Registration Number: 0013461371
SPIN: 143002665
SPIN Name: Pacific Bell Telephone Company
Service Provider Contact Person: Dymea Craig-Riley

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were disbursed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now recover these improper disbursements. The purpose of this letter is to inform you of the recoveries as required by Program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the Program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error.

This is NOT a bill. The next step in the recovery of improperly disbursed funds process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

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

If you wish to appeal the Notification of Improperly Disbursed Funds decision indicated in this letter to USAC your appeal must be received 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 email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Improperly Disbursed Funds Recovery Letter and the funding request numbers you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Funding Disbursement Recovery Report included with this letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a 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 us by fax, fax your appeal to (973) 599-6542.

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

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

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Schools and Libraries Division
Universal Services Administrative Company

cc:Dymea Craig-Riley
Pacific Bell Telephone Company

Funding Disbursement Recovery Report
for Form 471 Application Number: 473667

Funding Request Number: 1306005
Services Ordered: INTERNET ACCESS
SPIN: 143002665
Service Provider Name: Pacific Bell Telephone Company
Contract Number: MTM
Billing Account Number:
Site Identifier: 144051
Funding Commitment: \$117,278.50
Funds Disbursed to Date: \$112,228.26
Funds to be Recovered from Applicant: \$112,228.26

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that the funds were improperly disbursed on this funding request. During the course of a review it was determined that the technology plan did not cover the entire funding year for this funding request. Program rules require that a technology plan be effective during the entire funding year in which the applicant is seeking support for services other than basic telecommunication service. On the Form 486 it was indicated that the services for FRN 1306005 began on 07/01/2005. Additionally, your Form 471 indicated 06/30/2006 as a Service End Date for this FRN. During the course of review it was discovered that your technology plan became effective on 06/12/2006, which was after the date your services commenced for this FRN. Therefore, USAC will seek recovery of improperly disbursed funds for this FRN in the amount of \$106,386.24 for the part of the funding year not covered with the technology plan.

During the course of a review, the applicant also failed to retain or produce at the request of the representative the following documentation pertaining to its invoicing for FRN(s) 1306005: all invoicing to support applicant portion or billings to USAC. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to produce the above specified documentation upon request of an authorized representative the FCC rules have been violated and USAC will seek recovery of the \$112,228.26 of improperly disbursed funds from the applicant.

Kant Deemark

PARLIER UNIF SCHOOL DISTRICT

900 S NEWMARK AVE

PARLIER, CA 93648



Notification of Improperly Disbursed Funds Recovery Letter
Funding Year 2005: July 1, 2005 - June 30, 2006

April 9, 2010

Kant Deemark
PARLIER UNIF SCHOOL DISTRICT
900 S NEWMARK AVE
PARLIER, CA 93648 2034

Re: Form 471 Application Number: 473667
Funding Year: 2005
Applicant's Form Identifier: CIRCUIT-Y8
Billed Entity Number: 144051
FCC Registration Number: 0013461371
SPIN: 143022137
SPIN Name: AT&T Corp.
Service Provider Contact Person: Lysander Watson

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were disbursed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now recover these improper disbursements. The purpose of this letter is to inform you of the recoveries as required by Program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the Program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error.

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1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
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 - Form 471 Application Number,
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Schools and Libraries Division
Universal Services Administrative Company

cc:Lysander Watson
AT&T Corp.

**Funding Disbursement Recovery Report
for Form 471 Application Number: 473667**

Funding Request Number: 1306023
Services Ordered: INTERNET ACCESS
SPIN: 143022137
Service Provider Name: AT&T Corp.
Contract Number: MTM
Billing Account Number:
Site Identifier: 144051
Funding Commitment: \$25,172.86
Funds Disbursed to Date: \$7,807.23
Funds to be Recovered from Applicant: \$7,400.83

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that the funds were improperly disbursed on this funding request. During the course of a review it was determined that the technology plan did not cover the entire funding year for this funding request. Program rules require that a technology plan be effective during the entire funding year in which the applicant is seeking support for services other than basic telecommunication service. On the Form 486 it was indicated that the services for FRN 1306023 began on 07/01/2005. Additionally, your Form 471 indicated 06/30/2006 as a Service End Date for this FRN. During the course of review it was discovered that your technology plan became effective on 06/12/2006, which was after the date your services commenced for this FRN. Therefore, USAC will seek recovery of improperly disbursed funds for this FRN in the amount of \$7,400.83 for the part of the funding year not covered with the technology plan.

Kant Deemark

PARLIER UNIF SCHOOL DISTRICT

900 S NEWMARK AVE

PARLIER, CA 93648