

6/24/2010

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

Received & Inspected  
JUL - 6 2010  
FCC Mail Room

CC Docket No 02-6  
Request for Review

This is an appeal of a Funding Year 2006 Notification of Funding Commitment Adjustment dated 5/7/2010. The Application Number is 531932 and the FRN is 1468950. The Applicant is "Achievement First" and their Billed Entity Number is 16027027. The Service Provider is Advanced Corporate Networking, Inc and the Form Identifier is 9DIST471-1.

This FY 2006 application was approved at an 88% discount level. During the course of an audit, documentation was requested to "prove" this discount level. Information was provided to the auditors that verified a 90% discount instead of the 88% discount approved.

In March, 2010 we received a follow up to the audit, again requesting verification of the NSLP. The information was once again provided, confirming the 90% discount level.

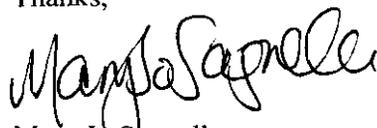
The COMAD letter cited that verification data provided for a few of the schools were National School Lunch Application forms instead of Surveys. While we agree that the wrong forms were submitted, we were never given a chance to send the correct forms.

In addition, we agree that the new schools should have used zero data instead of estimating what the enrollment and NSLP would be. If the zero data was used, then those schools would use the district NSLP of 88% (or 90% later).

While we aren't asking to go back and receive the 90% discount that was proven, we don't feel it's appropriate to reduce the funding to an 87% level and request funds be returned.

If you have any questions or need additional documentation please don't hesitate to contact me.

Thanks,



Mary Jo Sagnella  
Director of Operations  
E-RATE ONLINE LLC  
msagnella@erateportal.com

Attached: Notification of Commitment Adjustment Letter

No. of Copies rec'd \_\_\_\_\_  
List ABCDE



**Notification of Commitment Adjustment Letter**

**Funding Year 2006: July 1, 2006 - June 30, 2007**

May 07, 2010

David W. Cornett or Joseph Pillo

**ACHIEVEMENT FIRST**

622 Clinton Avenue

Bridgeport, CT 06605

Re: Form 471 Application Number:	531932
Funding Year:	2006
Applicant's Form Identifier:	9DIST471-1
Billed Entity Number:	16027027
FCC Registration Number:	0011822798
SPIN:	143004600
Service Provider Name:	Advanced Corporate Networking, Inc.
Service Provider Contact Person:	Catherine Gunther

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed 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 adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery 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](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

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

If you wish to appeal the Commitment Adjustment 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 Commitment Adjustment Letter and the Funding Request Number(s) (FRN) 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 Notification of Commitment Adjustment 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 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 COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are 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 your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Catherine Gunther  
Advanced Corporate Networking, Inc.

Funding Commitment Adjustment Report for  
Form 471 Application Number: 531932

Funding Request Number: 1468950  
Services Ordered: INTERNET ACCESS  
SPIN: 143004600  
Service Provider Name: Advanced Corporate Networking, Inc.  
Contract Number: N/A  
Billing Account Number: N/A  
Site Identifier: 16027027  
Original Funding Commitment: \$13,200.00  
Commitment Adjustment Amount: \$150.00  
Adjusted Funding Commitment: \$13,050.00  
Funds Disbursed to Date \$13,200.00  
Funds to be Recovered from Applicant: \$150.00

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$150.00. On the original Form 471 the applicant was approved at an 88 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During the course of an audit it was determined that the applicant is only eligible to receive an 87 percent discount. This determination was based on the applicant having estimated the student counts and did not use the number of students eligible for the National School Lunch Program (NSLP) as of the October 1st prior to filing the FCC Form 471 or the most current figures available as of the February 16, 2006 posting of the FCC Form 471. The estimated count of NSLP and total students was used because additional grades were planned for certain schools. Additionally, the applicant used an estimated count and did not enter zero for the number of NSLP students for new schools that started in Funding Year 2006. The documentation Applicant provided failed to clear the violation since the National School Lunch Application forms cannot be used as survey instruments. Accordingly, the commitment has been reduced by \$150.00 (pre-discount commitment amount\*(discount percentage approved on the Form 471 less the discount rate the applicant is actually eligible to receive)) and if recovery is required, USAC will seek recovery from the applicant.