



August 12, 2010

Letter of Appeal
FCC Office of the Secretary
445 12th Street SW
Washington, DC 20554

CC Docket No. 02-6

Dear Sir or Madam,

Notre Dame High School, Lawrence is hereby filing an appeal of the decisions made by the USAC Schools and Libraries Division awarding the school funding with a 20% discount rate.

The discount rate was incorrectly set by USAC because both the Student Count and the number of NSLP Students were incorrectly stated to be 0 on our Forms 471. The correct Student Count was 263 and the correct number of NSLP Students eligible for free lunch was 156 and an additional 32 students were eligible for reduced lunch, a total of 188 students or 71.5%

The school used the services of a consultant to handle communications with USAC. The consultant informed us in December 2009 of an "error" in the award process, telling us that the discount had been set to 20% instead of 90%. They indicated to us that they had appealed the USAC decision to USAC on our behalf.

After waiting for several months for the decision on our appeal, we followed up with USAC directly and were told that there was no appeal. The consultant then told us that the appeal had been lost in USAC's system and they were filing an appeal directly with the FCC.

We later learned in conversation with USAC that that second appeal process was never started.

We initiated the appeal process on our own behalf and on July 7, 2010 USAC denied our appeal on the basis that the appeal was filed beyond the 60 day limit.

We are appealing to the FCC directly asking that you correct this error which was caused by our consultant's error of not including our school's enrollment information on the original Form 471s.

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A Member of the Cristo Rey Network

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Administrative Offices: 207 Hampshire Street, Lawrence, MA 01841

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We believe that except for the omission of the enrollment data, the entire filing process was accurate and timely and should have yielded a discount rate of 90% for the school. This award would have added approximately \$20,000 to the school, money which was expected.

In addition, during the course of the year we submitted to USAC a request for a spin change which was denied because the Funding Request had not been approved for funding. We are appealing this decision on the basis of this information.

Below are the details of our applications, your responses and our current requests. If you need additional information, or if we need to file additional forms or provide additional information to have these appeals processed, please contact me.

- 1) Billed Entity Number: 16024285
- 2) Notre Dame High School, Lawrence
- 3) Funding Request Number: 1801087
- 4) Form 470 Application Number: 822470000813505
- 5) Applicant Contact: David Flanagan
- 6) Applicant Phone: 978-689-8222 (O) 978-273-3090 (C)
- 7) Applicant E-mail address: DFlanagan@NDHSLAW.org

Appeals of % Discount on FRNs

- 8) Form 470 number 822470000715195
- 9) Form 471 number 658630
 - a. FRN# 1801087, FCDL Date: 10/27/2009, Telecommunications Service, XO Communications, We are appealing the 20 % discount awarded, seeking 90%
 - b. FRN# 1801093, FCDL Date: 10/27/2009, Telecommunications Service, Verizon Wireless, We are appealing the 20% discount awarded seeking 90%
 - c. FRN# 1830337, FCDL Date: 10/27/2009, Internet Access, AT&T Corp, We withdraw this request, internet access was provided as part of FRN# 1801087
- 10) Form 417 number 658645
 - a. FRN# 1845842, FCDL Date: 11/10/2009, Basic Maintenance of Internal Connections, Smart Solutions, Inc. (dba Micro-Age), We are appealing the 20% discount awarded, seeking 90%

Appeal for Request for SPIN Change

- 1) Billed Entity Number: 16024285
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- 3) Funding Request Number: 1801087
- 4) Form 470 Application Number: 822470000813505
- 5) Applicant Contact: David Flanagan

- 6) Applicant Phone: 978-689-8222 (O) 978-273-3090 (C)
- 7) Applicant E-mail address: DFlanagan@NDHSLAW.org
- 8) Original SPIN: 143000093
- 9) Original Service Provider: XO Communications, Inc.
- 10) Original Service Provider Contact: Dustin Puccio
- 11) Original Service Provider Phone: 781-693-3977
- 12) Original Service Provider E-mail address: Dustin.J.Puccio@XO.com
- 13) New SPIN: 143001291
- 14) New Service Provider: Verizon Massachusetts
- 15) New Service Provider Contact: Tracey Mannix
- 16) New Service Provider Phone: 508-551-6291
- 17) New Service Provider E-mail address: Tracey.Mannix@Verizon.com
- 18) XO Communications, Inc. has provided services between July 1, 2009 and April 30, 2010 under this service request.
- 18.a) XO Communications, Inc. monthly pre-discount amount was \$560.00
- 18.b) Verizon Massachusetts monthly pre-discount amount is \$648.89
- 18.c) The effective date for the change is April 1, 2010.
- 18.d) The last day of service under this FRN for Verizon Massachusetts will be June 30, 2010.

I certify that (1) the SPIN change requested in this letter is allowed under all applicable state and local procurement rules; (2) the SPIN change is allowable under the terms of the contract, if any, between the applicant and our original service provider, and (3) Notre Dame High School has notified XO Communications of our intent to change service providers.

In addition I certify that all the information provided with these appeals is accurate and true.

Thank you for processing our request.

Sincerely,



David Flanagan
Technology Coordinator