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September 21, 2010

Received & Inspected

SEP 30 2010

FCC Mail Room

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

CC: 02-6

Re: Letter of Appeal of Funding Commitment Decision Letter for funding Year 2009, issued June 3, 2010.
Dear Sir or Madam:

I am submitting this letter of appeal regarding denial of E-rate FY 2009 funding request for Telecommunications Service, on the grounds that, Applicant failed to provide vendor documentation. Further detail was requested from the Vendor and was submitted within the time frame allowed for the submission of Form 471 to USAC at the close of the FY 2009 Form 471 window. This was specified during Program Integrity Assurance (PIA) on March 11, 2010.

| | |
|-------------------------|--------------------------------|
| Appellant Name: | Erate Exchange, LLC |
| Applicant Name: | Pennsauken Twp School District |
| 471 Application Number: | 650758 |
| Billed Entity Number: | 123335 |
| FRN: | 1809245 |
| Service Provider: | Verizon New Jersey |

SLD Explanation for denial: *"FCC Rules require applicants to retain all documentation regarding the competitive bidding process. The applicant failed to provide vendor bid score sheet or other vendor selection documentation, and so the FRN is denied."*

The issue in this case boils down simply to this: The denial of funding was based on the lack of documentation from the vendor and lack of communication during the Selective Review as the Vendor was not able to provide the documentation needed to secure a contract for telecommunications services at the time of the 471 filing window closed. Therefore, the schools only option was to secure funding with the incumbent provider, Verizon New Jersey. This was communicated during the selective review process on March 30, 2010. Based on the Bishop Perry Order, we request FRN 1809245 be funded and USAC actions remain consistent with this order.

Given that the denial of funding in this case was based on an error outside of the applicants control, regarding the lack of vendor documentation, the Parties respectfully request that the SLD process this Letter of Appeal and approve the funding commitment for Pennsauken Twp School District. The denial of funding for an administrative error places a particular hardship on a school district such as Pennsauken Twp School District that otherwise should have been approved for and received E-rate funding for its application.

We respectfully request that you overturn the denial and restore full funding of this FRN. Thank you for reviewing this appeal. Please use the contact information as follows - Shari Dwyer Phillips, President, E-rate Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, sdp@erateexchange.com

Sincerely,
E-rate Exchange, LLC



Ms. Shari D. Phillips
President

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