

UNDERWOOD
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Received & inspected
OCT 13 2010
FCC Mail Room

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October 7, 2010

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

Re: Dimmitt Independent School District's Notice of Request for Review
CC Docket Nos. 96-45 and 02-6
SLD File No. 663273

Dear Ms. Dortch:

Enclosed please find Dimmitt Independent School District's Notice of Request for Review.

Sincerely,



Fred A. Stormer

FS/ph
524383
Encl.

cc: Les Miller, Superintendent

OCT 13 2010

FCC Mail Room

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of a)	
Decision of the)	
Universal Service Administrator by)	
)	
Dimmitt Independent School District)	File No. SLD-663273
Dimmitt, Texas)	
)	
Schools and Libraries Universal Service)	CC Docket Nos. 96-45 and 02-6
Support Mechanism)	

**DIMMITT INDEPENDENT SCHOOL DISTRICT'S
NOTICE OF REQUEST FOR REVIEW**

Appeal of USAC Denial of Funding for Application Number(s)
FY2009 Form 471#663273 Billed Entity FCC RN: 0011612439

Billed Entity Number: 141823
Service Provider Number: 143925872

Comes now, DIMMITT INDEPENDENT SCHOOL DISTRICT (the "District"), by its attorneys, and files this Notice of Request for Review from the Funding Commitment Decision Letter (the "Letter") signed by Universal Service Administrative Company ("USAC") on September 15, 2010.

The USAC Letter denied the above referenced funding application on September 15, 2010. According to the Letter received by the District, a Request for Review must be received or postmarked within sixty (60) days of the date of the Letter. See a true and correct copy of the Funding Commitment Decision Letter attached hereto as Exhibit "A." Therefore, the District calculates the due date of the Request for Review and Brief in Support Thereof to be November 14, 2010.

The District is not aware of any formal requirement requiring such Notice of a Request for Review, but out of an abundance of caution, The Underwood Law Firm respectfully submits this Notice on behalf of the District.

Dated this 7th day of October, 2010.

Respectfully submitted,

UNDERWOOD, WILSON, BERRY,
STEIN & JOHNSON, P. C.

Fred A. Stormer

State Bar No. 24013579

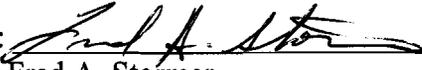
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By: 
Fred A. Stormer

ATTORNEYS FOR DIMMITT
INDEPENDENT SCHOOL DISTRICT



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

September 15, 2010

Sharron Bills
DIMMITT INDEP SCHOOL DISTRICT
608 W HALSELL ST
DIMMITT, TX 79027-1750

Re: Form 471 Application Number: 663273
Billed Entity Number (BEN): 141823
Billed Entity FCC RN: 0011612439
Applicant's Form Identifier: 09/10 trill

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$170,083.26 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

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

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC 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 (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 663273 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2009," AND
 - The exact text or the decision that you are appealing.

3. 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the 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 USAC by fax, fax your appeal to (973) 599-6542.

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

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

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 in the Reference Area of 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.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

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FUNDING COMMITMENT REPORT
Billed Entity Name: DIMMITT INDEP SCHOOL DISTRICT
BEN: 141823
Funding Year: 2009

Comment on RAL corrections: The shared discount was decreased to a level that could be validated based on third party data.

Form 471 Application Number: 663273
Funding Request Number: 1811096
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 173160000631841
SPIN: 143025872
Service Provider Name: Trillion Partners, Inc
Contract Number: SA-090707-000809
Billing Account Number: 806-647-3101
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/07/2008
Contract Expiration Date: 06/30/2013
Shared Worksheet Number: 1066497
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$195,498.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$195,498.00
Discount Percentage Approved by the USAC: 87%
Funding Commitment Decision: \$0.00 - Bidding Violation- SRC
Funding Commitment Decision Explanation: MRI: The shared discount was reduced to a level that could be validated by third party data. <><><><><> DR1: This FRN is denied because the documents provided by you and/or your vendor indicates that there was not a fair and open competitive bid process free from conflicts of interest. The documentation provided by you and/or your service provider indicates that prior to/throughout your contractual relationship with the service provider listed on the FRN, that you were offered and accepted meals from the service provider, WHICH resulted in a competitive process that was no longer fair and open and therefore funding is denied.

FCDL Date: 09/15/2010
Wave Number: 066
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011