

**Before the
Federal Communications Commission
Washington DC 20554**

APPEAL

In the Matter of)
)
Request for Review of a Decision by USAC Schools) CC Docket No. 02-6
and Libraries Universal Service Support Mechanism in)
relation to the New Holstein (WI) Elementary School)
(BEN 60560))

**REQUEST FOR REVIEW AND WAIVER OF DECISION OF
THE UNIVERSAL SERVICE ADMINISTRATOR**

November 18, 2010

Appellant:

Rebecca Hansen
Manager of Business Services
School District of New Holstein
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New Holstein WI 53061
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RE: Appeal for denial of 2010 funding for:

FRN: 1987052
Form 470: 825010000797458
Form 471: 735267
Category of service: Telecommunication Services
Service provider: Lambeau Telecom Company, LLC (SPIN 143033254)

To Whom It May Concern:

The School District of New Holstein is appealing the denial of funding for the above referenced funding request for the New Holstein Elementary School. The denial was in a 2010 funding commitment letter we received dated October 6, 2010.

- ***USAC's reason for denying the funding request:*** No contract was in place when the Form 471 certification was filed.
- ***District's rebuttal of USAC's reason for denying the request:*** The school did have a contract when the Form 471 was filed, although it was not signed.

Discussion:

The school posted a Form 470 for basic telecommunication services on December 16, 2009. It is important to note that only the current provider (Lambeau Telecom Company) responded to our 470. Furthermore, the 470 was open for two more weeks (beyond the 28 days) than the allowable contract date of January 13, 2010. Thus any other provider had six weeks to submit a bid for these services and none did so. We did have a contract for the 2010 E-rate year with the Lambeau Telecom Company when we filed the Form 471 on January 28, 2010. While it is true that the contract was not signed or dated until one day later, (January 29) we do not believe that being just one day late¹ in any way compromised the bid process or in any way is an abuse of the E-rate program. During late January 2010 I had five other E-rate funding requests for the district that I was also working on. To be frank, this issue of when a contract needed to be signed in relation to filing the 471 just got buried in all my other requests and work.² In addition, we have fully complied with all school district purchasing policies. Considering these facts and circumstances, I ask that 47 C.F.R. § 54.504(c) requiring applicants have a signed contract in place before filing the Form 471 be waived.

I hope you will see from the above information that our appeal has merit, that it should be granted and remanded back to USAC for funding. We are a small school district in rural, east-central Wisconsin and rely on the E-rate program to help offset our telecommunication and Internet access costs. If you have any questions, please do not hesitate to contact me. Thank you.³

Sincerely,

Rebecca Hansen
Manager of Business Services
School District of New Holstein

¹ The Commission's Aberdeen School District decision provides some precedent in support of our appeal. In Aberdeen (par 9) several schools signed contracts just "a minimal number of days (i.e., one to three days)" before the 28-day open bid period and their appeals were granted. Given this latitude, we think the Commission should grant our appeal when we were only one day late in signing the contract. See *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District, Aberdeen, WA, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-297249, et al., CC Docket No. 02-6.*

² The Commission's 2006 Bishop Perry Order documents fully the issues that many applicants have, especially in smaller school districts, dealing with the E-rate's complex time frame and application process. See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al. File Nos. SLD-487170, et al., CC Docket No. 02-6.*

³ I have given Robert Bocher, the state's E-rate Coordinator from the Wisconsin Department of Public Instruction, permission to file this appeal on our behalf.

