



Received & Inspected
NOV 15 2010
FCC Mail Room

November 5, 2010

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

RE: CC Docket NO. 02-6
BE FCC RN: 0011671195
Contact Name: Vicki Medlin
Form 471 Application: 610659
Form 486 Application: 804442

Guntersville City School District
BEN: 128052
Email: vickimedlin@gcboe.net
FRN: 1697997

“Request for Review”

Dear Secretary Dortch:

I would like to request a review of USAC’s decision to deny funding for Funding Year 2008-2009 for services with Charter Communications (*copy of decision letter enclosed*).

Charter Communications (SPIN 143005817) has been “under review” with USAC for the past several years during which time we have been in regular communication with Charter. Due to this fact, our e-rate funding for Charter Services has been very uncertain throughout this process. When the funding notification letter was received in April 2010 for Year 2008, it listed the major part of the funding as “Under Review”. (*Copy enclosed*) The funding notification letter was filed in our 2008 E-rate notebook while we were waiting for the entire commitment to be approved before filing the Form 486. We were not cognizant of the fact that we needed to file the Form 486 as Charter Communications was still under review and not fully funded at that time.

In USAC’s Decision on Appeal letter they refer to an “Urgent Reminder” letter providing additional time and a new deadline that was sent to us; however, we never received this “Urgent Reminder” or we would have filed immediately. The Form 486 was filed on September 20, 2010

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after representatives from Charter Communications notified us that the Form 486 needed to be filed. If we were remiss in our responsibility, it was not due to negligence, but due to the uncertainty of funding decisions in regard to Charter Communications. We would respectfully ask that you review this decision to deny funding made by USAC.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Medlin".

Vicki Medlin
Guntersville City Schools

Attachments



Administrator's Decision on Appeal – Funding Year 2008-2009

October 15, 2010

Received & Inspected

Vicki Medlin
Guntersville City Schools
2208 Ringold Street
Guntersville, AL 35976

NOV 15 2010
FCC Mail Room

Re: Applicant Name: GUNTERSVILLE CITY SCH DISTRICT
Billed Entity Number: 128052
Form 471 Application Number: 610659
Form 486 Application Number: 804442
Funding Request Number(s): 1697997
Your Correspondence Received: September 27, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1697997
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from April 19, 2010, the date of the FCDL or July 1, 2008, the Service Start Date (SSD) indicated on the FCC Form 486, whichever date is later. On August 23, 2010, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on September 20, 2010 which is after the new deadline. Consequently, the SSD has been revised to May 23, 2010, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all

forms are submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year, and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the Service Start Date (SSD), the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter (FCDL), whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given additional 20 calendar days from the date of receipt USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Request for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et. al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with 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 or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2008: 07/01/2008 - 06/30/2009)

April 19, 2010

E. Dale Edwards
GUNTERSVILLE CITY SCH DISTRICT
2208 Ringold Street
GUNTERSVILLE, AL 35976

Re: Form 471 Application Number: 610659
Billed Entity Number (BEN): 128052
Billed Entity FCC RN: 0011671195
Applicant's Form Identifier: 471Yr2008Charter

Thank you for your Funding Year 2008 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, \$12,831.84 is "Approved."
- The amount, \$50,250.00 is "Under Review."

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 610659 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2008," 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.

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: GUNTERSVILLE CITY SCH DISTRICT
BEN: 128052
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 610659
Funding Request Number: 1681661
Funding Status: Under Review
Category of Service: Telecommunications Service
Form 470 Application Number: 802980000552025
SPIN: 143027346
Service Provider Name: Charter Fiberlink - Alabama, LLC
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 02/13/2006
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 968185
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 67%
Funding Commitment Decision:

FCDL Date: 04/19/2010

Wave Number: 80D

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT
Billed Entity Name: GUNTERSVILLE CITY SCH DISTRICT
BEN: 128052
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 610659
Funding Request Number: 1697997
Funding Status: Funded
Category of Service: Internet Access
Form 470 Application Number: 802980000552025
SPIN: 143005817
Service Provider Name: Charter Communications
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 02/13/2006
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 968185
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$19,152.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$19,152.00
Discount Percentage Approved by the USAC: 67%
Funding Commitment Decision: \$12,831.84 - ERN approved as submitted

FCDL Date: 04/19/2010
Wave Number: 80D
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011