

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Request for Review of Decision of the)
Universal Service Administrator)

Christ The King School)
Bronx, New York)

CC Docket No. 02-6

File No. SLD532076 (FY2006)

To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW AND WAIVER

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Dated: December 3, 2010

SUMMARY

Christ The King School (“School”) appeals a decision of the Universal Service Administrator (“USAC”) seeking to recover, as “improperly disbursed,” support provided under the Schools and Libraries Support Mechanism (“E-Rate Program” or “Program”) for Funding Year (“FY”) 2006.

Three and a half years after a February 2007 Site Visit to the School USAC decided that it needed additional documents to complete the Visit. Specifically, in August of 2010, USAC asked for evidence that the relevant Technology Plan for FY 2006 had been “approved” prior to the submission of the relevant FCC Form 486. When the School’s principal, who had taken over as E-Rate contact person in November 2007, was unable to produce an approval letter, USAC issued a Notice of Improperly Disbursed Funds (“Notification”) for \$17,168.80 fro Internal Connections services.

The School respectfully submits that it is inequitable and would work a hardship on the School to permit USAC to sit on its hands for three and a half years and then seek recovery of these funds. There is good cause for the Commission to waive the requirement for evidence of approval of the Funding Year 2006 Technology Plan for Internal Connections. The School cooperated with USAC and provided documents requested in February of 2007 during the Site Visit. To penalize it now, so many months later, by requiring the return of what is, in the scheme of the Program a modest amount of funds, would be unfair. There is no evidence of any waste, fraud and abuse involved in this matter. The circumstances justify waiving the requirement for proof of Technology Plan approval under the circumstances and the rescinding of the Notification.

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Request for Review of Decision of the Universal Service Administrator)	CC Docket No. 02-6
Christ The King School Bronx, New York)	File No. SLD532076 (FY2006)

To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW AND WAIVER

Christ The King School ("Christ The King" or "School"), acting pursuant to and in accordance with Sections 54.719-54.721 of the Federal Communication Commission's ("Commission") rules, hereby files this Request for Review and Waiver ("Request") in connection with a decision of the Universal Service Administrator ("USAC") to recover certain Schools and Libraries Support Mechanism ("E-Rate Program" or "Program") funding provided to the School for Funding Year ("FY") 2006.¹

USAC claims the recovery is justified because the School failed to have an approved technology plan prior to submitting an FCC Form 486 for approved-Internal Connections services. Christ The King respectfully submits that, to the best of its knowledge, it submitted such a plan for approval and made a good faith effort to comply with the rule. However, to the extent that there

¹ Exhibit 1 (USAC Notification of Improperly Disbursed Funds Recovery Letter, dated October 5, 2010, seeking to recover previously-provided E-Rate Program support for Funding Request Number ("FRN") 1469482 (the "Notification")). This Request is timely filed as the 60 day period for filing ended on a Saturday, December 4, 2010 and, therefore, in accordance with Section 1.4 of the Commission's Rules, the deadline for filing is extended until Monday, December 6, 2010.

was no approval of the technology plan for 2006 prior to submission of the relevant FCC Form 486 the School respectfully submits that application of the rule be waived under the circumstances of this case. There is no evidence of any waste, fraud and abuse at issue. The requirement to return the funds, which were used for the purpose for which they were approved, would impose an undue hardship on the School. For these and other reasons set forth below, the School's Request should be granted and USAC's efforts to recover the Program funds terminated.

I. STATEMENT OF THE SCHOOL'S INTEREST IN THE REQUEST

The School has standing to file this Request because Section 54.719(c) of the Commission's rules provides that, "[a]ny person aggrieved by an action taken by a division of the Administrator ... may seek review from the Federal Communications Commission."² In this case, Christ The King is directly aggrieved by USAC's effort to recover previously-approved Program funds expended in accordance with that approval.

II. KEY BACKGROUND FACTS

A. The School

Christ The King is a K-8 elementary school located in the Bronx, New York. It currently serves more than 600 students. The School has participated in the E-Rate Program since 1998. Such participation has enabled the School to bring advanced telecommunications and Internet access services to its student population. Christ The King has generally qualified for the maximum 90% discount, indicating that at least 75% or more of the students are deemed to be eligible for the National School Lunch Program. The current principal of the School, Mrs. Lenora Yzaguirre, assumed that position in 1990.

² 47 C.F.R. § 54.719(c).

B. FCC Form 470 – Internal Connections

On December 6, 2005, USAC posted the School's FCC Form 470, Application No. 236990000558793, indicating its intent to seek telecommunications, Internet access, and internal connections services ("Form 470").³ The contact person was Ms. Angielina Doret, the School's part-time E-Rate Program Technology Coordinator.

C. FCC Form 471

On February 15, 2006, the District filed its FCC Form 471, Application No. 532076 with USAC, certifying its selection, Entirely Connected, Inc. ("Entirely Connected"), as internal connection service provider.⁴ Specifically, the FCC Form 471 included the following funding requests for Entirely Connected: FRN 1469482 in the discounted amount of \$17,168.80 (the "FRN"). USAC subsequently approved the requested funding by Funding Commitment Decision Letter dated October 24, 2006 and USAC has disbursed the discounted amount as approved.

D. E-Rate Site Visit and Expanded Outreach Initiative Follow Up

Some time in January of 2007, the School (probably Ms. Doret as the School's contact person for the Form 471) was notified that a representative of USAC, accompanied by a representative of Bearing Point, would be making a Site Visit to the School. Mrs. Yzaguirre, who was at home recuperating from surgery during that period, recalls that Ms. Doret informed her of the impending Site Visit.

The Site Visit occurred on February 7, 2007. During the Site Visit, the USAC representatives gathered documentation relating to Funding Year 2006 and specifically the Form 471 and the FRN.⁵ Mrs. Yzaguirre further recalls that Ms. Doret advised her when the Site Visit was concluded and did

³ Exhibit 2 (FCC Form 470 Application Number 23699000055873, December 6, 2005).

⁴ Exhibit 3 (FCC Form 471 Application No. 5320476)(the "Form 471")

⁵ Exhibit 4 (Electronic Message from Philip Colvin to angetck@hotmail.com; adoret@myctk.com and ctklenora@verizon.net, dated August 11, 2010 ("Colvin Email"))

not indicate to her that the visitors had pointed out outstanding compliance issues. Ms. Doret, who was a full-time teacher and the School's part-time Technology Coordinator for E-Rate Program purposes, left the employ of the School in November of 2007.

Some 42 months later, on August 11, 2010, Mrs. Yzaguirre received the Colvin Email "writing to follow up on the Site Visit to Christ The King School on February 7, 2007"⁶ The message referred to "this Expanded Outreach Initiative" whose purpose was "to assess USAC's outreach and education efforts, observe best practices in the field, and ensure compliance with regulatory requirements in the use of program's funds."⁷

Mr. Colvin noted that USAC was "still missing a number of required documents...necessary to complete this review."⁸ Mr. Colvin's message did not mention or forward any prior email or other messages asking for these materials. Mr. Colvin asked that the materials be provided within 15 days. Included among the documents requested was a copy of the "Approval (letter, email or web shot) for the Technology Plan related to Fund Year 2006."⁹

Mrs. Yzaguirre contacted Mr. Colvin that very afternoon. He claimed to Mrs. Yzaguirre that he had previously tried to obtain some information from Ms. Doret in January of 2007 to complete the review, but had been unsuccessful in doing so. He asserted that he had sent electronic messages to Ms. Doret requesting this information, but could provide no copies or evidence thereof.¹⁰ Moreover, Mrs. Yzaguirre never received an email or phone call or fax during this period regarding

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Ms. Doret has no recollection of receiving any such communications. See Exhibit 5.

the problem, despite the fact that she became the School's Contact Person after the departure of Ms. Doret in November of 2007.¹¹

The same day Mr. Colvin apparently was notified by the Archdiocese Administrative Office that that Office did not have on file a Technology Plan approval letter for Funding Year 2006.¹² When Mr. Colvin asked the School whether it could produce such an approval, Mrs. Yzaguirre replied that she could not do so. The Notification followed some two months later.¹³

E. The Notification

On October 5, 2010, USAC issued the Notification. It included the following "Disbursed Funds Recovery Explanation" ("Explanation"):

"After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of a site visit it was determined that the technology plan for this entity, covering the relevant funding year, was not approved at the time of the submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan for the relevant funding year needed to be approved prior to submitting the Form 486 for the start of services, whichever was earlier. Since this requirement was not met USAC will seek recovery of any improperly disbursed funds from the applicant."

This timely Request follows the Notification.

¹¹ USAC presumably was aware of that fact because it was reflected on the School's E-Rate Program filings for Funding Years 2008 and 2009.

¹² Exhibit 6 (Electronic Message, dated August 11, 2010, from Philip Colvin to ctklenora@verizon.net ("Colvin Email 2")). Mr. Colvin also indicated that during the site visit Ms. Doret had in fact "provided information that led to the COMAD referral" because of the lack of an approved Technology Plan. This representation further belies the contention that USAC had not received information requested of Ms. Doret in connection with the visit. *Id.*

¹³ See Exhibit 7 regarding Mrs. Yzaguirre's confirmation of her involvement during this period.

III. STANDARD OF REVIEW

USAC's authority to administer the E-Rate Program is limited to implementing and applying the Commission's rules and the Commission's interpretations of those rules as found in Commission decisions and orders.¹⁴ USAC is not empowered to make policy, interpret any unclear provisions of the governing statute or the rules promulgated by the Commission,¹⁵ or create the equivalent of new guidelines.¹⁶ USAC is responsible for "administering the universal support mechanisms in an efficient, effective, and competitively neutral manner."¹⁷ The Commission's review of the Notification is *de novo*, without being bound by any findings or conclusions of USAC.¹⁸

IV. ARGUMENT

The Commission has previously recognized that requiring "rigid compliance" with its rules relating to technology plans does not always serve the purposes of advancing universal service. Christ The King respectfully submits that this is such a case and that a waiver of the technology plan approval requirement is fully warranted in this case.¹⁹

A. A WAIVER OF THE TECHNOLOGY PLAN APPROVAL REQUIREMENT IS JUSTIFIED UNDER THE CIRCUMSTANCES PRESENTED

While to date Christ The King has not been able to produce the Technology Plan approval letter requested by USAC, the circumstances presented here fully justify a waiver of that requirement and a dismissal of the Notification and attempted recovery of funds. The School respectfully

¹⁴ 47 C.F.R. § 54.702(c).

¹⁵ *Id.*

¹⁶ *Changes to the Board of Directors of the Nat'l Exchange Carrier Ass'n, Inc., Third Report and Order*, 13 FCC Rcd 25058, 25066-67 (1998).

¹⁷ 47 C.F.R. § 54.701(a).

¹⁸ 47 C.F.R. §54.723.

¹⁹ *Request for Review or Waiver of Decisions of the Universal Service Administrator by Brownsville Independent School District, Brownsville, TX, et al.*, Order, 22 FCC Rcd 6054, 6058, ¶9 (2007) ("Brownsville Order")

submits that USAC should not be permitted to sit on its hands for going on 4 years after the Site Visit and now require the School to make the payments suddenly sought by USAC.

First, USAC does not contend that the School failed to prepare a Technology Plan for Funding Year 2006. The assertion is that the School cannot now produce tangible proof that the plan was approved by an appropriate entity.

Second, USAC itself has failed to demonstrate that Christ The King was asked for this information prior to August 11, 2010, again 42 months after the Site Visit. Indeed, if in fact, as the Explanation asserts, that “during the course of a Site Visit” the failure was determined, it is hard to understand why USAC needed to wait more than three years to confirm the lack of approval.²⁰ With all due respect, this is hardly fair to the School.

Third, the Commission has always considered the complexity of the program and the fact that teachers, especially in schools like Christ The King, are asked to take on part-time roles as E-Rate experts.²¹ Moreover, the Commission has recognized personnel turnover as a mitigating factor in a number of circumstances.

Fourth, the amount of the allegedly improperly disbursed funds is \$17,168.80. Does the cost to USAC and the Commission of continuing to investigate and contest these issues outstrip the amount potentially recoverable here? Certainly, this is a significant sum to the school, but in the scheme of the E-Rate Program is the cost of recovery clearly justified?²²

²⁰ The Commission has also noted that with the passage of time the ability of applicants to effectively respond to allegations of rule violations years before can be substantially affected. *Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technology*, Order, 21 FCC Rcd 5348, 5351 ¶ 8, n. 20 (2006) (“*Academy of Careers Order*”).

²¹ *Brownsville Order*, ¶¶ 2, 9.

²² The Commission has recognized that recovery should not be pursued when the administrative costs outweigh the dollars subject to recovery. *In the Matter of Schools and Libraries Universal Service Support Mechanism*, Fifth Report and Order, 19 FCC Rcd, 15808, 15819, ¶35 (2004).

The Commission's rules allow such waiver "for good cause shown."²³ The Commission has extended this waiver authority to limited waivers of E-Rate Program rules. The FCC has established the following guidance for determining whether waiver is appropriate:

A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.²⁴

The circumstances here meet this standard and therefore a waiver is clearly justified. Strict compliance with the technology plan approval rule here will not serve the public interest. Certainly the School has acted in good faith in attempting to timely comply with the applicable Commission rules.²⁵ Considerations of equity and fairness surely support and justify a waiver. The Commission has cited such factors in granting relief on appeal.²⁶

²³ 47 C.F.R. § 1.3.

²⁴ *Requests for Review of Decision of the Universal Service Administrator by Richmond County School District, Schools and Libraries Universal Service Support Mechanism*, Order, 21 FCC Rcd 6570, 6572, ¶5 (2006) (internal references omitted) (citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (D.C. Cir. 1972)). The Commission may take into consideration considerations of hardship, equity or more effective implementation of overall policy on an individual basis. *Request for Waiver of Form 470 requirements re: Voluntary Contract Extension Designation by California State E-Rate Coordinator*, Order, DA 10-2217, Telecom. Access and Pol. Div., released November 23, 2010, ¶5, n. 17 (citing *WAIT Radio v. FCC*).

²⁵ The Commission has found such good faith actions to justify waivers in the past. See *Request for Waiver of the Decision by the Universal Service Administrator by Great Rivers Education Cooperative, Forrest City, Arkansas, Schools and Libraries Universal Service Support Mechanism*, Order, 21 FCC Rcd 14115, 14119, ¶9 (Wireline Competition Bur. 2006).

²⁶ See *Requests for Review of Decisions of the Universal Service Administrator by Approach Learning and Assessment Centers et al, Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15510-15513-14, ¶8 (Telecom. Access Pol. Div. 2008) ("Approach Learning Order").

So do considerations of hardship.²⁷ Again, it has been nearly 4 years since the Site Visit and more than 4 years since the funds were approved. In an economic time when state and local budgets, including school budgets, are under increasing strain it would be a decided hardship to require the School to pay the amounts now sought by USAC.

Grant of a waiver would not in any way be suborning or endorsing conduct that allegedly involved waste, fraud or abuse of the benefits afforded under the Program. There is not a scintilla of evidence that Christ The King acted other than in good faith and in a bona fide fashion to comply with the Commission's rules. There is no evidence of any misuse of funds.²⁸ There is no evidence of any intent to defraud or misuse the E-Rate Program or the funds in question.²⁹

Requiring the return of the funds now would not further the purpose of preserving and advancing access to universal service support for schools and libraries.³⁰ Under such circumstances, it would be inequitable to uphold the Notification.³¹

As the Commission has previously found in approving waivers of its rules relating to technology plan approval, “we find that the Petitioners have demonstrated that rigid compliance with the application procedures does not further the purposes of Section 254 or serve the public

²⁷ See *Request for Review of Decision of the Universal Service Administrator by Radford City Schools, Radford, Virginia, Schools and Libraries Universal Support Mechanism*, Order, 23 FCC Rcd 15451, 15453, ¶4 (Telecom. Access Pol. Div. 2008).

²⁸ See *Request for Waiver of the Decision of the Universal Services Administrator by Barberton City School District, Barberton, Ohio et al., Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15526, 15530, ¶7 (Telecom. Access Pol. Div. 2008).

²⁹ *Request for Review of the Decision of the Universal Service Administrator by New Haven Free Public Library, New Haven, Connecticut, Schools and Libraries Universal Support Mechanism*, Order, 23 FCC Rcd 15446, 15449, ¶7 (Telecom. Access Pol. Div. 2008).

³⁰ See *Request for Review of a Decision by the Universal Service Administrator by Adams County School District 14*, Order, 22 FCC Rcd 6019, 6022, ¶8 (2007)

³¹ See *Approach Learning Order*, ¶ 4.

interest by denying their funding requests under [the]...circumstances.”³² Christ The King respectfully submits that the same should be found in this case.³³

V. CONCLUSION AND REQUEST FOR RELIEF

For all of the foregoing reasons a waiver in this case would be clearly justified under the Commission’s standards for granting such relief. Therefore, the Commission should exercise its waiver authority under the circumstances presented and grant School’s Request and cancel the Notification relating to the FRN.

Respectfully submitted,

CHRIST THE KING SCHOOL



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School**

Dated: December 3, 2010

³² *Brownsville Order*, ¶19.

³³ It is also worthy of note that although retaining the requirement for Priority 2 services such as those supported by the FRN, the Commission has recently eliminated the technology plan requirement in its entirety for all Priority 1 applications, noting that it will reduce the costs for applicants of complying with and administering the E-rate program. *In the Matter of Schools and Libraries Universal Service Support Mechanism A National Broadband Plan For Our Future*, Sixth Report And Order, FCC 10-175, released September 23, 2010. Requirements relating to Priority 2 plans were also relaxed. *Id.*

EXHIBIT 1



Notification of Improperly Disbursed Funds Recovery Letter
Funding Year 2006: July 1, 2006 - June 30, 2007

October 5, 2010

Angielina Doret
CHRIST THE KING SCHOOL
1345 GRAND CONCOURSE
BRONX, NY 10452 7401

Re: Form 471 Application Number: 532076
Funding Year: 2006
Applicant's Form Identifier: 471phone
Billed Entity Number: 10432
FCC Registration Number: 0012993259
SPIN: 143028913
SPIN Name: ENTIRELY CONNECTED, INC.
Service Provider Contact Person: CESAR PAULINO

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were disbursed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now recover these improper disbursements. The purpose of this letter is to inform you of the recoveries as required by Program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the Program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error.

This is NOT a bill. The next step in the recovery of improperly disbursed funds process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

Funding Disbursement Recovery Report
for Form 471 Application Number: 532076

Funding Request Number: 1469482
Services Ordered: INTERNAL CONNECTIONS
SPIN: 143028913
Service Provider Name: ENTIRELY CONNECTED, INC.
Contract Number: ECI100306
Billing Account Number:
Site Identifier: 10432
Funding Commitment: \$17,168.80
Funds Disbursed to Date: \$17,168.80
Funds to be Recovered from Applicant: \$17,168.80

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of a site visit it was determined that the technology plan for this entity, covering the relevant funding year, was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan for the relevant funding year needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not met USAC will seek recovery of any improperly disbursed funds from the applicant.

FUNDING DISBURSEMENT RECOVERY REPORT

On the pages following this letter, we have provided a Funding Disbursement Recovery Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from the application for which recovery is necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the service provider for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on these FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action. The Report explains the exact amount the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

CC: CESAR PAULINO
ENTIRELY CONNECTED, INC.

TO APPEAL THIS DECISION:

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

If you wish to appeal the Notification of Improperly Disbursed Funds decision indicated in this letter to USAC your appeal must be received 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 email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Improperly Disbursed Funds Recovery Letter and the funding request numbers you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Funding Disbursement Recovery Report included with this letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a 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 us by fax, fax your appeal to (973) 599-6542.

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

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

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

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 on 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.

EXHIBIT 2

FCC Form

Approval by OMB
3060-0806

470

**Schools and Libraries Universal Service
Description of Services Requested
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 236990000558793
Applicant's Form Identifier: ctk4702006/07
Application Status: CERTIFIED
Posting Date: 12/06/2005
Allowable Contract Date: 01/03/2006
Certification Received Date: 12/06/2005

1. Name of Applicant: CHRIST THE KING SCHOOL		
2. Funding Year: 07/01/2006 - 06/30/2007		3. Your Entity Number 10432
4a. Applicant's Street Address, P.O.Box, or Route Number 1345 GRAND CONCOURSE		
City BRONX	State NY	Zip Code 10452-7401
b. Telephone number (718) 538- 5959		c. Fax number (718) 538- 6369
5. Type Of Applicant <input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
6a. Contact Person's Name: Angielina Doret		
<i>First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.</i>		
6b. Street Address, P.O.Box, or Route Number <input checked="" type="checkbox"/> 1345 GRAND CONCOURSE		
City	State	Zip Code

BRONX	NY	10452-7401
<p><i>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</i></p>		
<input checked="" type="checkbox"/>	6c. Telephone Number	(718) 538- 5959
<input checked="" type="checkbox"/>	6d. Fax Number	(718) 538- 6369
<input checked="" type="checkbox"/>	6e. E-mail Address	adoret@myctk.com

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

b. Services for which a new written contract is sought for the funding year in Item 2.
 Check if you are seeking a multi-year contract and/or a contract featuring voluntary extensions

c. A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 Telecommunications Services
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 12.

b **NO**, I have not released and do not intend to release an RFP for these services.
Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="checkbox"/> Check this box if you do not have a preference.
--	---	--

Service or Function:	Quantity and/or Capacity:
T1	1
Video Conference	28 rooms
Telephone lines	3
Cabling	28 rooms

Domain Name Registration	1
e-mail	1
firewall	1
DNS	1
Web Hosting	1
Wireless Internet	4 floors
Access Point	100 accounts
Client Access License(for eligible service)	1
e-mail software	150 pcs
Servers (email, DNS, DHCP)	3
Operatig system(OS)	1
Switch	150 pcs
Basic Maintenance	4 floors
Memory Ram	514mb
Monitor	1
Network Interface Card	as needed
Modem	1
PBX	28 rooms
Proxy Server	150
PvBx	28 rooms
Racks and cabinets	2 servers
router	1
switch board w/or w/o DSS	1
Tape backup	1
UPS	1
Video Equipment	28 rooms
VOIP	28 rooms
Web SErver	1
Wire and Cable Maintenance	4 floors
VOIP telephoney(not eligible)..if made eligible	28 rooms
Telephone	15 lines
fax	1

9 Internet Access
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 12.

b NO , I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c Check this box if you prefer discounts on your bill. Check this box if you prefer reimbursement after paying your bill in full. Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
T1	1 lines
telephone	15 lines
fax line	1

10 Internal Connections Other than Basic Maintenance
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

the Contact Person in Item 6 or the contact listed in Item 12.

b **NO**, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c Check this box if you prefer discounts on your bill. Check this box if you prefer reimbursement after paying your bill in full. Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
T1	1 lines
telephone	15 lines
fax line	1
basic maintence	4 floors
video Conference	28 rooms
Domain Name Registration	1
E-mail	1
Firewall	1
DNS	1
Web Hosting	1
Wireless Internet	4 floors
Access Point	100 accounts
client Access License	150 pcs
e-mail software	150 pcs
servers	3
operating system	150 pcs
switch	150 pcs
basic maintenance	4 floors
memory RAM	514 ram
Monitor	monitor
PBX	28 rooms
Proxy Servers	150
PVBX	28 rooms
racks and cabinets	2 servers
Routers	1
Switch Board w/or w/o DSS	1
Tape Backup	1

UPS	1
Video Equipment	28 rooms
VOIP	28 rooms
Web Servers	1
Wire and Cable Maintenance	4 floors
VOIP telephony	28 rooms

11 Basic Maintenance of Internal Connections
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
 the Contact Person in Item 6 or the contact listed in Item 12.

b NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c Check this box if you prefer discounts on your bill. Check this box if you prefer reimbursement after paying your bill in full. Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
Maintain all eligible equipment	150 pc interne connections
wire maintenance	4 floors
T1	1 line
telephone /fax lines	16 lines
Servers	28 rooms
Routers	1
Video equipment	28 rooms
tarriff services	all

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name: **Angielina Doret** Title: **Technology Coordinator**

Telephone number
(718) 538 - 5959

Fax number
(718) 538 - 6369

E-mail Address
Adoret@myctk.com

13a. Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any

such restrictions or procedures, and/or a Web address where they are posted and provide a contact name and telephone number.

Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

Block 3: Technology Resources

14. **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required has been purchased; and/or is being sought.

b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.

d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.

e. Staff development: all staff have had an appropriate level of training /additional training has already been scheduled; and/or training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item 16a, 16b or 16c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. Individual school or single-site library.

b. Statewide application for (enter 2-letter state code) representing (check all that apply):

- All public schools/districts in the state:
- All non-public schools in the state:
- All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. If checked, complete Item 18.

c. School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity	Entity Number
CHRIST THE KING SCHOOL	10432

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix
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Block 5: Certification and Signature

19. I certify that the applicant includes:(Check one or both.)

- a. schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. individual technology plans for using the services requested in the application, and/or
- b. higher-level technology plans for using the services requested in the application, or
- c. no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the status and Commission rules

regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person:

28. Date (mm/dd/yyyy): 12/06/2005

29. Printed name of authorized person: **Angielina Doret**

30. Title or position of authorized person: **Technology Coordinator**

31a. Address of authorized person: **1345 Grand Concourse**
City: **Bronx** State: **NY** Zip: **10452**

31b. Telephone number of authorized person: **(718) 538 - 5959**

31c. Fax number of authorized person: **(718) 5386369**

31d. E-mail address number of authorized person: **Adoret@myctk.com**

31e. Name of authorized person's employer: **Christ The King School**

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms
ATTN: SLD Form 470
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100**

FCC Form 470
November 2004

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EXHIBIT 3

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
<p>Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471 Estimated Average Burden Hours per Response: 4 hours</p> <p>This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services. Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.) The instructions include information on the deadlines for filing this application.</p>		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
471phone		532076
Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
1 a	Name of Billed Entity: CHRIST THE KING SCHOOL	
2 a	Funding Year: July 1, 2006 Through June 30: 2007	Billed Entity Number: 10432
4 a	Street Address, P.O. Box, or Routing Number: 1345 GRAND CONCOURSE	
	City: BRONX	
	State: NY	Zip Code 10452 7401
5 a	Type of Application: <input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
6	Contact Person's Name: Angielina Doret	
First, if the Contact Person's Street Address is the same as in Item 4, check this box. <input type="checkbox"/> If not, please complete the entries for the Street Address below.		
b	Street Address, P.O. Box, or Routing Number: 1345 GRAND CONCOURSE	
	City: BRONX	
	State: NY	Zip Code 10452 7401



Entity Number	10432	Applicant's Form Identifier	471phone
Contact Person	Angielina Doret	Phone Number	718-538-5959
<p>This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471. Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.</p>			
Block 2: Impact of Services Ordered on Schools			
IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER AFTER ORDER	

7a	Number of students to be served		544
b	Telephone service: Number of classrooms with phone service	2	23
c	Dial-up Internet access: Number of connections (up to 56kbps)	0	0
d	Direct broadband services: Number of buildings served at the following speeds: Greater than 200 mbps	22	23
e	Direct connections to the Internet: Number of drops	69	69
f	Number of classrooms with Internet access	23	23
g	Number of computers or other devices with Internet access	100	120

Block 3: Impact of Services Ordered on Libraries
NOT APPLICABLE AS THIS APPLICATION IS FOR SCHOOL

Worksheet A No: 807078 Student Count: 544
 Weighted Product (Sum. Column 8): 489.6 Shared Discount: N/A

1. School Name: CHRIST THE KING SCHOOL
 2. Entity Number: 10432 NCES: 00 921 429
 3. Rural/Urban: Urban
 4. Student Count: 544 5. NSLP Students: 544 6. NSLP Students/Students: 100.000%
 7. Discount: 90% 8. Weighted Product: 489.6
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

Block 5: Discount Funding Request(s)

FRN: 1469482 FCDL Date: 10/24/2006	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 236990000558793
13. SPIN: 143028913	14. Service Provider Name: ENTIRELY CONNECTED, INC.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: ECI100306
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/03/2006	18. Contract Award Date: 01/24/2006
19a. Service Start Date: 07/01/2006	19b. Service End Date:
20. Contract Expiration Date: 06/30/2007	
21. Attachment #: 3	22. Block 4 Entity Number: 10432
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 19076.44	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$19,076.44	
23i. Total program year pre-discount amount (23e + 23h): \$19,076.44	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$17,168.80	

Block 6: Certifications and Signature

Application ID:532076

Do not write in this area.

Entity Number	10432	Applicant's Form Identifier	471phone
Contact Person	Angielina Doret	Phone Number	718-538-5959

Block 6: Certifications and Signature

24. I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
 - b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	\$19,076.44
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$17,168.80
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$1,907.64
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$2,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$3,907.64
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. an individual technology plan for using the services requested in this application; and/or
 - b. higher-level technology plan(s) for using the services requested in this application; or
 - c. no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before

considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/15/2006

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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EXHIBIT 4

From: Philip Colvin
Sent: Wednesday, August 11, 2010 2:58 PM
To: angectk@hotmail.com; adoret@myctk.com; ctklenora@verizon.net
Cc: SV Team
Subject: E-Rate Site Visit Follow Up - Christ the King School

Dear Ms. Doret,

My name is Philip and I am writing to follow up on the Site Visit to the Christ the King School on February 7, 2007, with Nuno from BearingPoint. The purpose of this Expanded Outreach Initiative is to assess USAC's outreach and education efforts, observe best practices in the field, and ensure compliance with regulatory requirements in the use of program's fund.

During the site visit, we gathered documentation relating to Funding Year 2006, 471# 532076, and FRN 1469482. At this time, we are still missing a number of required documents. Therefore, to complete this review, please provide the following:

- 1.) A copy of the **Approval** (letter, email or web shot) for the Technology Plan related to Fund Year 2006.

Schools wishing to apply for Schools and Libraries support, commonly referred to as "E-rate," must first prepare a technology plan before filing a Form 470. A USAC-certified technology plan approver must approve the technology plan before discounted services can begin. For more information: <http://www.universalservice.org/si/applicants/step02/technology-planning/>

- 2.) Copies of the **Proof of Payment** (Cancelled Checks and/or Accounting General Ledgers 'Accounts Payable') related to FRN 1469482.

Applicants are required to pay the non-discount portion of the cost of the goods and services to their service provider(s). Service Providers are required to bill applicants for the non-discount portion. The Federal Communications Commission stated that requiring applicants to pay their share would ensure efficiency and accountability in the program.

- 3.) Copies of the **Invoice(s)** related to FRN 1469482.

All applicants and service providers are required to retain receipt and delivery records relating to the technology plans, pre-bidding, bidding, contracts, application process, invoices, provision of services, and other matters relating to the administration of the Universal Service Fund for a period of at least five (5) years from last date of service. The suggested list of documents to be retained can be found in Paragraphs 45-50 in the FCC's 5th Report and Order (FCC 04-190).

- 4.) A copy of an **Asset Register** or **Inventory List** of all Universal Service funded equipment.

All applicants and service providers are required to retain receipt and delivery records relating to the technology plans, pre-bidding, bidding, contracts, application process, invoices, provision of services, and other matters relating to the administration of the Universal Service Fund for a period of at least five (5) years from last date of service. The suggested list of documents to be retained can be found in Paragraphs 45-50 in the FCC's 5th Report and Order (FCC 04-190).

- 5.) Documentation of the **Competitive Bidding Process** (copies) for Fund Year 2006, which should include the following:

Copies of any and all requests for proposals (RFPs), invitations to bid, requests for bids, or other documentation of bid requests for services and/or products requested, or other solicitations in any way associated with the applicant's funding request(s) and/or the selection of the service provider(s) that appear(s) on the applicant's funding request(s). Be sure to include any and all amendments made to the original RFP. All RFPs should indicate when they were first made available to service providers, i.e. release and posting date as well as the due date for which bids must be submitted.

Indicate the number of bids/proposals received for all funding requests and provide complete copies of any and all proposals, bid responses, etc., received in response to the Form 470, and/or any RFP, or other solicitation in any way associated with the applicant's funding request and/or with the selection of the service provider that appears on the applicant's funding requests. This information should be provided for all funding requests including tariff, month-to-month and contracted services

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to do so may result in a reduction or recovery of funding.** If you need additional time to prepare your response, please let me know as soon as possible.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Philip

Philip "Pip" Colvin

Program Manager of External Relations

Universal Service Administrative Company

2000 L St. NW, Suite 200

Washington, DC 20036

Ph: (202) 776-0200 Direct: (202) 423-2659 Fax: (202) 776-0080

pcolvin@usac.org

www.usac.org

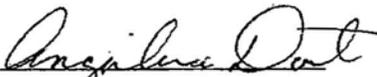
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EXHIBIT 5

DECLARATION

1. In 2006 and part of 2007, I, Angielina Doret, was a teacher Christ The King School ("School") and the Contact Person for E-Rate Program Funding Year 2006 for the relevant FCC Form 470 and FCC Form 471.
2. As a result of my position at that time, I am familiar with the School's participation in the E-Rate Program for Funding year 2006 and the circumstances surrounding the Site Visit to the School by USAC and Bearing Point personnel (collectively, "USAC personnel") in early February 2007.
3. During the visit I provided the USAC personnel with documentation that they requested, including information then available relating to the School's technology plan. After the USAC visit in February 2007 until I departed employment at the School in November of 2007 I have no recollection of having received subsequent telephonic or written requests from the USAC personnel for additional information that USAC said was necessary to complete the Site Visit review.

I hereby declare, under penalty of perjury, that the foregoing is true and correct.


Angielina Doret

Dated: December 3, 2010.

EXHIBIT 6

RE: E-Rate Site Visit Follow Up - Christ the King School

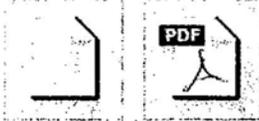
Wednesday, August 11, 2010 9:01 PM

From: "Philip Colvin" <pcolvin@usac.org>

To: ctklenora@verizon.net

Cc: "SV Team" <SVTeam@usac.org>

2 Files (339KB)



Re: Technok 2006-2009

Dear Ms. Yzaguirre,

I have received confirmation from the Archdiocese of New York that Christ the King School did not have a **Technology Plan Approval Letter** for Funding Year 2006, email attached. To continue with this review please respond to the statement listed below. If a response or documentation is not sent by **August 18, 2010**, this adjustment will continue its process.

During a site visit, Ms. Doret provided information that led to the COMAD referral. Based on a review of the documentation provided, we have determined that USAC may have improperly disbursed funds for FRN 1469482 because the technology plan was not approved prior to the commencement of services or the date that the Form 486 was filed, whichever is earlier. As a result, USAC may seek recovery of improperly disbursed funds for FRN 1469482 to remove the cost associated with the violation as required by program rules. In order to facilitate recovery of the improperly disbursed funds process for the FRN, the charges associated with the violation must be identified and are listed below.

\$17,168.80

Was an approved 2006 Technology Plan available? ___ Yes or ___ No

- *If yes, please provide the 2006 technology plan approval.*
- *If no, USAC will seek recovery of the funds listed above.*

Sincerely,
Philip

Philip "Pip" Colvin

Program Manager of External Relations
Universal Service Administrative Company
2000 L St. NW, Suite 200
Washington, DC 20036
Ph: (202) 776-0200 Direct: (202) 423-2659 Fax: (202) 776-0080
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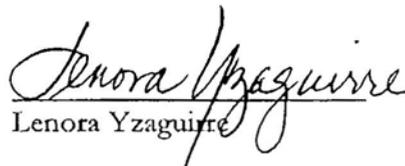
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EXHIBIT 7

DECLARATION

1. I, Lenora Yzaguirre, am the principal of Christ The King School located at 1345 Grand Concourse, Bronx, New York. I have occupied that position since 1990.
2. As a result of my position, I have been familiar with the School's participation in the E-Rate Program and the circumstances relating to the Notification of Improperly Disbursed Funds Recovery Letter, dated October 5, 2010, from the Universal Service Administrative Company ("USAC") relating to Funding Year 2006 ("Notification").
3. I have reviewed the foregoing Request For Review And Waiver relating to the Notification, including the statements and representations relating to my involvement and interaction with USAC concerning the issues which are the subject of the notification and those statements and representations are true and correct.

I hereby declare, under penalty of perjury, that the foregoing is true and correct.


Lenora Yzaguirre

Dated: December 3, 2010.

CERTIFICATE OF SERVICE

I, Jennifer A. Cetta, certify on this 6th day of December, 2010, a copy of the foregoing Request for Review and Waiver has been served via electronic mail or first class mail, postage pre-paid, to the following:

Zachary Katz
Legal Advisor to Chairman Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Zachary.Katz@fcc.gov

Sharon Gillette
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Gina Spade
Assistant Division Chief
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Letter of Appeal
Schools and Libraries Division-
Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981


Jennifer A. Cetta