

DEC 20 2010
FCC Mail Room



Division of Finance
and Administration

Computing and
Information Services

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554
December 14, 2010

Dear Ms. Dortch:

Re: **Request for Waiver Review
Form 486 - HSW486-09
Application # 809062
Bank Street Head Start West
Entity # 16050951
CC Docket No. 02-6**

Graduate School
of Education

School for Children
and Family Center

Division of
Continuing Education

We are writing to ask for a review of the USAC's decision to deny the request of the Bank Street Head Start West program for an extension in filing Form 486 paperwork. As we explained in our original appeal (attached), this was the first application for funding on behalf of Bank Street Head Start West, they were not familiar with the full requirements of the application process, and they have very limited staffing. The Bank Street School and the Bank Street Head Start program have participated in the USAC Program in previous years and although we assisted Head Start West with their 470 and 471 Applications, we were not initially aware that their funding had been approved.

610 West 112th St
New York NY
10025-1898

Tel 212 875-4642
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Each of the three Bank Street programs applied individually for funding in 2009, but the Head Start West funding was the first to be approved, several months earlier than the Bank Street School funding. As a consequence, we were not on the alert for their paperwork, and when their approval arrived, it was not flagged. Then, as the result of clerical error, the materials were forwarded to Head Start West without explanation... they were very happy to have received the award, but they were not aware they had to file the Form 486 confirmations. It was only when the Bank Street School funding award letter was received and we began submitting our 486 confirmations, that we realized the Head Start West funding had been pending. At that point we immediately contacted USAC and were advised to assist in filing their Form 486, which we did. However, in response to that late filing, the funding for Head Start West was reduced from \$3391.20 to \$282.60.

Head Start West is a very small facility, all of their students meet the NSLP guidelines, and their USAC funding requests were/are modest. Their delay in filing the Form 486 confirmations was the result of clerical error, and the additional funding they are seeking can help them make important improvements in their service

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offerings. Therefore, we respectfully request that you accept this appeal and restore the funding that was requested on their original Form 471 filing.

Thank you,

A handwritten signature in black ink, appearing to read "Arlen Rauschkolb". The signature is fluid and cursive, with a large initial "A" and "R".

Arlen Rauschkolb
Director of CIS
Bank Street School
for Bank Street Head Start West

Received & inspected

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

November 05, 2010

Arlen Rauschkolb
Bank Street Head Start West
610 West 112th Street
New York, NY 10025

Re: Applicant Name: BANK STREET HEAD START WEST
Billed Entity Number: 16050951
Form 471 Application Number: 682759
Form 486 Application Number: 809062
Funding Request Number(s): 1866480, 1866505, 1866558
Your Correspondence Dated: October 24, 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 2009 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): 1866480, 1866505, 1866558
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from January 19, 2010, the date of the FCDL or July 1, 2009, the Service Start Date (SSD) indicated on the FCC Form 486, whichever date is later. On May 25, 2010, USAC mailed an "Urgent Reminder" letter providing the applicant with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 (Application Number: 809062) certification was postmarked on September 30, 2010 which is after the new deadline. Consequently, the SSD was revised to June 2, 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 an additional 20 calendar days from the date of receipt of 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

Division of Finance
and Administration

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October 24, 2010

Letter of Appeal
Schools and Libraries Division
Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, NJ 07981

Graduate School
of Education

School for Children
and Family Center

Division of
Continuing Education

To Whom It May Concern:

Re: Form 486 - HSW486-09
Application Number: 809062
Name: Bank Street Head Start West
Entity #: 16050951

We are writing in response to a recent USAC Schools and Libraries Division Form 486 Notification Letter (10/13/10) we received that indicated that the Bank Street Head Start West program's funding was being reduced because of "120-day 486 Deadline Adjustments." We are asking that the review of these applications be revised to allow the Bank Street Head Start West program to receive the full funding it requested in its original Form 471.

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Bank Street Head Start West is a very small semi-independent program and a new participant in the Schools and Libraries Division Program. This program focuses on serving the needs of young disadvantaged children in New York City and has a minimum of program overhead and administrative staff. I worked closely with them and their larger sister institution, the Bank Street Head Start Program, in the development of their funding applications.

However, we were not aware that the Head Start West application was approved in an early funding wave while our other program's applications were not. Consequently the approval of the Bank Street Head Start West's FRNs was overlooked and only discovered recently when the Bank Street School received its commitment letter. (Note: the Bank Street Head Start Program funding has still not been approved.)

Bank Street Head Start West has been in receipt of the services for which they filed funding requests for the entire funding period and their failure to complete their Form 486 applications in a timely manner was inadvertent and resulted from their

inexperience with the program requirements and that those of us who are more familiar with the program were not aware that their funding had been approved.

We respectfully ask that this program not be penalized for what amounts to a clerical error, and that you consider this request to restore their full funding favorably so that this very worthy program may make use of these resources in the service of their children.

Sincerely,

A handwritten signature in black ink, appearing to read "Arlen Rauschkolb". The signature is fluid and cursive, with the first name "Arlen" and last name "Rauschkolb" clearly distinguishable.

Arlen Rauschkolb
Director CIS
Bank Street School

For Bank Street Head Start West
212-875-4645 Phone
212-875-4761 FAX

Sent VIA Facsimile: (973) 599-6542
