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FCC Mail Room

Before the
Federal Communications Commission

Washington, D.C.

In the Matter of)
Request for Review of Decisions of the)
Universal Service Administrator and)
Request for Waiver)

CC Docket No. 02-6

Information Referral Resource Assistance)
(IRRA))
_____)

REQUEST FOR REVIEW AND WAIVER

Bill Sugarek

Integrity Communications

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Corpus Christi, TX 78410

(361) 242-1000

October 17, 2011

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List ABCDE

TABLE OF CONTENTS

Summary	3
Attachment 1	FCC Order Released December 29, 2010
Attachment 2	Revised Funding Commitment Decision Letter – July 30, 2007
Attachment 3	Letter of Appeal to USAC -July 19, 2011
Attachment 4	USAC’s Administrator’s Decision on Appeal-August 19, 2011

SUMMARY

Integrity Communications (Integrity) respectfully requests review of a decision of the Universal Services Administrative Company (USAC) and a waiver of the Federal Communications Commission's (FCC) rules.

Please note that Information Referral Resource Assistance (IRRA) properly applied for E-Rate funding in 2001 (Yr. 4) and was subsequently denied due to USAC error. In 2007, six years after the initial application, the FCC ruled in IRRA's favor (FCC Order Released Dec 29, 2010, *attachment 1*) and USAC funded IRRA's request. (Funding Commitment Decision Letter dated, July 30, 2007, *attachment 2*)

Service delivery began shortly thereafter and USAC once again in error wrongfully denied IRRA funding. At this point, service delivery to IRRA was promptly halted due to lack of funds. IRRA again appealed to the FCC, in 2007, for help and again was granted relief by the FCC, but not until March of 2011. Inquiries were made to USAC regarding proper handling of this ten year old application. There was much confusion and bewilderment on USAC's help lines and never was a "Service Delivery Deadline" issue raised.

Had USAC not, in error, made multiple denials this funding would have been received and all services would have been provided within all timeframes and guidelines.

In the spirit of justice and fairness we request a reversal of USAC's 3rd denial of services and that IRRA be granted all funding requested immediately in order that work can be expedited.

Please see attached details.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Waiver and Review of Decisions of the Universal Service Administrator by)	
)	
Al-Ishan Academy)	File Nos. SLD-535827, <i>et al.</i>
South Ozone Park, New York, <i>et al.</i>)	
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6

ORDER

Adopted: December 29, 2010

Released: December 29, 2010

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant 50 appeals from petitioners seeking to reverse the decisions of the Universal Service Administrative Company (USAC), which found that technology plan rules for the E-rate program¹ had been violated for various funding years.² Consistent with the Commission's *Brownsville Order*,³ and based on our review of the record, we find that these petitioners have demonstrated that special circumstances exist to justify a waiver of the E-rate program's technology plan rules.⁴ We grant these appeals and remand the underlying applications to USAC for further action consistent with this order.⁵

2. The Commission requires an applicant applying for services other than basic telecommunications services to first develop a technology plan.⁶ The technology plan must include five

¹ The Commission's E-rate program is more formally known as the schools and libraries universal service support program.

² The requests for waiver and review are listed in the Appendix. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c). Although some petitioners did not explicitly request a waiver, we treat their requests for review as requests for waiver because, in each case, their funding requests were denied because USAC found that technology plan rules had been violated. Several of the petitioners in the appendix are appealing the commitment adjustment letters they received from USAC. When USAC determines that funds were committed or disbursed in error, it will adjust those funding commitments or recover such disbursements to ensure that no funds are used in violation of program rules. See USAC website, Commitment Adjustment (COMAD), <http://www.universalservice.org/sl/about/commitments-adjustments.aspx> (last visited Dec. 7, 2010).

³ See *Request for Review of the Decision of the Universal Service Administrator by Brownsville Independent School District, et al.*, File Nos. SLD-482620, *et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 6045 (2007) (*Brownsville Order*).

⁴ See 47 C.F.R. §§ 54.504(b)(2)(iii)-(iv); 54.504(c)(1)(iv)-(v); and 54.508.

⁵ See appendix.

⁶ See 47 C.F.R. §§ 54.504(b)(2)(iii)-(iv); 54.504(c)(1)(iv)-(v); and 54.508; *Universal Service First Report and Order*, 12 FCC Rcd at 9077-78, para. 573. Technology plans have not been required for "basic (continued...)

elements, including a strategy for using telecommunications and information technology to improve education or library services.⁷ To ensure that the technology plan is based on the reasonable needs and resources of the applicant and is consistent with the goals of the E-rate program, the Commission requires technology plans to be approved by either the applicant's state or another USAC-certified technology plan approver.⁸ An applicant whose technology plan has not been approved when it files the FCC Form 470 must certify that it understands that its technology plan must be approved prior to the commencement of service.⁹

3. In the *Brownsville Order*, the Commission waived the technology plan rules for petitioners that, among other things, (1) did not develop a technology plan because they sought discounts only for telecommunications or because they believed that a technology plan was not required for what they believed to be basic voice service; (2) failed to show, in response to inquiries by USAC, that they had an approved technology plan in place for the relevant funding year, or that the plan was in the process of being approved; or (3) based their funding applications on approved technology plans from prior years while they updated those plans.¹⁰

4. We apply the standards of the *Brownsville Order* and waive the technology plan rules for 50 petitioners.¹¹ First, we waive the technology plan rules and grant the appeals for 44 petitioners that made the same errors as addressed in the *Brownsville Order*.¹² In addition, we also grant waivers to four

(Continued from previous page)

telecommunications" services (e.g., local telephone service, long distance telephone service, and interconnected voice over Internet protocol). See Eligible Services List, Schools and Libraries Support Mechanism for Funding Year 2010 (dated Dec. 2, 2009) at 4, http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-105A2.pdf (last visited Dec. 14, 2010). In the Commission's *Sixth Report and Order*, however, the Commission amended sections 54.504 and 54.508 of its rules to eliminate the E-rate technology plan requirements for all priority one funding requests. See *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, FCC 10-175 (rel. September 28, 2010) (*Sixth Report and Order*) at paras. 58-65. The amended technology plan rules will be codified at 47 C.F.R. §§ 54.503(c)(2)(iii), 54.504(a)(1)(iv)-(v), and 54.508.

⁷ 47 C.F.R. § 54.508(a).

⁸ 47 C.F.R. § 54.508(d); *Universal Service First Report and Order*, 12 FCC at 9077-78, para. 574; see also USAC website, Schools and Libraries, Technology Plans, <http://www.universalservice.org/sl/applicants/step02/> (last visited Dec. 28, 2010).

⁹ 47 C.F.R. §§ 54.504(b)(2)(iii)-(iv), 54.508(c); see also Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15830, para. 56 (2004). An applicant whose technology plan has not been approved when it files the FCC Form 471 must, once again, certify that it understands its technology plans must be approved prior to the commencement of service. 47 C.F.R. § 54.504(c)(1)(iv)-(v).

¹⁰ *Brownsville Order*, 22 FCC Rcd at 6047-6049.

¹¹ The Commission may waive any provision of its rules on its own motion for good cause shown. 47 C.F.R. § 1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). 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. *Northeast Cellular*, 897 F.2d at 1166.

¹² See Request for Review of Baldwin County Library Cooperative, Inc; Request for Review of Cleveland Heights – University Heights Public Library; Request for Review of Al-Ishan Academy; Request for Review of Broken Bow Public Schools; Request for Review of Dickson County School District at 1-2 Request for Review of Henderson (continued...)

petitioners that did not create technology plans in accordance with E-rate program rules yet in good faith planned for the implementation of new technology in their schools in accordance with state, local, or other internal requirements.¹³ We also grant waivers to two other applicants that were denied funding because it was determined that their technology plans did not include a budget demonstrating other funding sufficient to acquire other services necessary to use the E-rate services they were requesting.¹⁴ In remanding these two applications, however, we instruct USAC to verify that these applicants did indeed have the funds to acquire the services that would be necessary to use the requested E-rate services. As the Commission determined in the *Brownsville Order*, we find that these appellants, even if not technically complying with technology plan rules, have satisfied the policy behind the requirements. We further find that requiring technical compliance with these specific technology plan rules does not further the purposes of section 254(h) or serve the public interest in these instances.¹⁵

5. Therefore, we find that good cause exists to grant the 50 petitioners' requests for review. We waive the E-rate technology plan requirements for these petitioners and remand the applications listed in the appendix to USAC for further action consistent with this order.

6. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requests for review or requests for waiver filed by the petitioners listed in appendix ARE GRANTED and their applications ARE REMANDED to USAC for further action consistent with this order no later than 90 calendar days from the release date of this order.

7. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254

(Continued from previous page)

County Public School District; Request for Review of Lewis-Palmer School District 38; Request for Review of Casa Grande Elementary Schools; Request for Review of Lake Erie Educational Computer Association; Request for Review of St. Barnabas High School; Request for Review of St. Raymond; Request for Review of Municipal Telephone Exchange; Request for Review of Oklahoma School for the Deaf; Request for Review of Greater Homewood Community Corporation, Inc.; Request for Review of South Baltimore Learning Center; Request for Review of TRG Networking, Inc.; Request for Review of Gobles Public Schools; Request for Review of Maricopa County Regional School District; Request for Review of Pharr Memorial Library; Request for Review of American Samoa SEA Department of Education; Request for Review of West Contra Costa Unified School; Request for Review of Trotwood Preparatory and Fitness Academy; Request for Review of Selah School District No. 119; Request for Review of Information Referral Resource Assistance, Inc. (Integrity Communications, Inc.); Request for Review of Nuestros Valores Charter School; Request for Review of Cardinal Hayes High School; Request for Review of Wissahickon Charter School; Request for Review of Westside Holistic Family Services; Request for Review of Bridgeton Public Schools; Request for Review of Wagoner Public Schools; Request for Review of Westside Montessori Center; Request for Review of Columbus Public School; Request for Review of New Direction Academy; Request for Review of Magen David Yeshiva; Request for Review of Good Shepherd School; Request for Review of Kipp Tech Valley Charter School; Request for Review of Yeshiva Torah Vodaath & Mesivta School; Request for Review of Omega Schools; Request for Review of Providence School District; Request for Review of Coleman Independent School District 35; Request for Review of Thomasville City Public School; Request for Review of New Covenant Christian School; Request for Review of Southern California Tribal Chairmen's Libraries Association; and Request for Review of Native Vocational District.

¹³ See Request for Review of City of Pembroke Pines Charter School; Request for Review of Arts and Technology Academy; Request for Review of Boys Village Youth and Family Services; Request for Review of Saint Andrew's – Seawee School.

¹⁴ See Request for Review of Glacier County Library; Request for Review of Lotus Academy. See 54.508(a)(4). This requirement was eliminated by the *Sixth Report and Order*. *Sixth Report and Order*, at para. 68.

¹⁵ *Brownsville Order*, 22 FCC Rcd at 6049.

of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that former sections that sections 54.504(b)(2)(iii)-(iv), (c)(1)(iv)-(v) and 54.508(a)(4) and (c)-(d) of the Commission's rules, 47 C.F.R. §§ 54.504(b)(2)(iii)-(iv), (c)(1)(iv)-(v) and 54.508(a)(4) and (c)-(d), ARE WAIVED to the extent provided herein.

8. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority in sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 54.722(a), that USAC SHALL DISCONTINUE its recovery action against the applicants listed in the appendix that are appealing commitment adjustment letters received from USAC.

FEDERAL COMMUNICATIONS COMMISSION

Gina Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX

Applicant	Application Number	Funding Year	Date Request for Review Filed
Al-Ishan Academy South Ozone Park, New York	535827	2006	April 19, 2007
Arts and Technology Academy Wilmington, Delaware	429320	2005	September 16, 2008
American Samoa SEA Department of Education Pago Pago, American Samoa	306344	2002	July 27, 2007
Baldwin County Library Cooperative, Inc. (Orange Beach Public Library) Robertsdale, Alabama	528564	2006	March 7, 2007
Boys Village Youth and Family Services Milford, Connecticut	257286	2001	January 4, 2007
Bridgeton Public Schools Bridgeton, New Jersey	580993, 581867, 582031, 581141, 581766, 578428	2007	February 5, 2008
Broken Bow Public Schools Broken Bow, Oklahoma	536258 535775	2006	March 23, 2007
Cardinal Hayes High School (filed by E-rate Central) Bronx, New York	483059	2005	June 19, 2009
Casa Grande Elementary Schools Casa Grande, Arizona	512170, 514172	2006	September 19, 2006
Cleveland Heights – University Heights Public Library Cleveland, Ohio	554693	2007	June 24, 2008
Coleman Independent Public School District 35 Coleman, Oklahoma	483448	2005	December 5, 2008
Columbus Public Schools Columbus, Ohio	376510, 365588	2003	January 25, 2008
Dickson County School District Dickson, Tennessee	527252	2006	March 29, 2007
Glacier County Library Cut Bank, Montana	508699	2006	January 30, 2007
Gobles Public Schools Gobles, Michigan	428693	2004	May 20, 2009
Good Shepherd School Baltimore, Maryland	608408	2008	December 28, 2009
Greater Homewood Community Corporation, Inc. Baltimore, Maryland	193903	2000	March 16, 2005
Henderson County Public School District Hendersonville, North Carolina	512090	2006	March 14, 2007

Information Referral Resource Assistance, Inc. (Integrity Communications, Inc.) McAllen, Texas	249067	2001	December 26, 2007
Kipp Tech Valley Charter School Albany, New York	458735, 457066	2005	September 15, 2009
Lake Erie Educational Computer Association Elyria, Ohio	444012	2005	April 16, 2007
Lewis Palmer School District 38 Monument, Colorado	507363	2006	March 9, 2007
Lotus Academy (Youth Empowerment Services) Philadelphia, Pennsylvania	538116	2006	March 12, 2007
Magen David Yeshiva Brooklyn, NY	431454	2004	January, 12, 2010
Maricopa County Regional School District (filed by FundEd, L.L.C.) Phoenix, Arizona	530784	2006	June 2, 2009
Municipal Telephone Exchange Baltimore, Maryland	323349	2002	November 7, 2008
Native Vocational District Kayenta, Arizona	570160	2007	November 10, 2010
New Covenant Christian School Bronx, New York	523146, 523340	2006	September 10, 2009
New Direction Academy Chicago, Illinois	396775	2004	January 8, 2010
Nuestros Valores Charter School Albuquerque, New Mexico	383807	2003	January 22, 2007
Oklahoma School for the Deaf Sulpher, Oklahoma	410590	2004	March 14, 2009
Omega Schools Phoenix, Arizona	477884	2005	October 3, 2006
City of Pembroke Pines Charter School Pembroke Pines, Florida	449104	2005	May 8, 2007
Pharr Memorial Library Pharr, Texas	485708	2005	October 1, 2008
Providence School District Providence, Rhode Island	492539, 518847, 522263	2006	August 7, 2009
Saint Andrew's - Sewanee School Sewanee, Tennessee	444413	2005	October 23, 2007
Selah School District No. 119 Selah, Washington	507409	2006	March 19, 2007
South Baltimore Learning Center Baltimore, Maryland	125549 192919 245858 314139	1999 2000 2001 2002	February 17, 2005

Southern California Tribal Chairmen's Libraries Association Valley Center, California	476681	2005	September 20, 2010
St. Barnabas High School Bronx, New York	562892	2007	August 26, 2008
St. Raymond School Bronx, New York	514640	2006	August 5, 2007
TRG Networking, Inc. (TRG) (service provider for Greater Homewood and South Baltimore) Towson, Maryland	193903 and 125549 192919 245858 314139	See above	
Thomasville City Public School Thomasville, Georgia	469401	2005	November 16, 2009
Trotwood Preparatory and Fitness Academy Bexley, Ohio	419208, 466681 466699	2004 2005 2005	December 26, 2006
Wagoner Public Schools Wagoner, Oklahoma	504422	2006	May 14, 2007
West Contra Costa Unified School Richmond, California	306939	2002	July 26, 2007
Westside Montessori Center Toledo, Ohio	500106	2006	May 11, 2007
Westside Holistic Family Services Chicago, Illinois	396979	2004	June 3, 2009
Wissahickon Charter School Philadelphia, Pennsylvania	424620	2004	March 27, 2009
Yeshiva Torah Vodaath & Mesivta School Brooklyn, New York	358553	2003	October 27, 2009

USACUniversal Service Administrative Company
Schools & Libraries Division**REVISED FUNDING COMMITMENT DECISION LETTER**
(Funding Year 2001: 07/01/2001 - 06/30/2002)

July 30, 2007

Edwin Mickley IX
Integrity Communications
P.O. Box 260154
Corpus Christi, TX 78426

SPIN: 143018592

This letter is your notification that your appeal has been resolved and your official decision(s) regarding the appealed funding request decision(s) that featured your company's Service Provider Identification Number (SPIN).

The Funding Commitment Report (report) that follows this Revised FCDL contains a list of items that were included in your original FCDL. An explanation of the items in the attached report is included in the sample applicant FCDL posted to the SLD section of the USAC web site, and was included in your original FCDL. The report attached to this letter may have been updated. Use this updated information when completing FCC Form 474 or certifying FCC Forms 472. Your customer(s) should use this information when completing and certifying FCC Forms 486 and 472.

This same information is being sent to your customer(s). We urge you to contact your customer(s) to make any necessary arrangements regarding delivery of service and provision of discounts.

IMPLEMENTATION TIMEFRAME:

On June 29, 2001, the Federal Communications Commission (FCC) released an Order extending the implementation period for non-recurring services. Any non-recurring service for which funds are committed in this letter may be delivered and installed up to September 30, 2008, not including extensions. Support for recurring services, however, is available only for services provided during the period of July 01, 2001 through June 30, 2002.

If Forms 486 have not already been submitted for these services provided by this service provider as identified by the SPIN in the attached Funding Report, Forms 486, must be received or postmarked no later than 120 days after the Service Start Date or 120 days after the date of an FCDL that approves funding, whichever is later to receive discounts retroactively to the Service Start Date. If any funding was approved in the original FCDL and any services were provided by the service provider whose SPIN was referenced in the original Funding Report, the deadlines described above are calculated based on the original FCDL. If these services are approved as a result of a SPIN Correction, a new Form 486 will be required to allow invoicing for such services. Invoices for these services must be received or postmarked within 120 days of the date of the Form 486 Notification Letter or within 120 days of the last date to receive service, whichever is later. Work closely with your customers to ensure that Forms 486 and invoice forms are completed in a timely manner.

NEXT STEPS

File your FCC Form 473, Service Provider Annual Certification Form, for this funding year, if you have not already done so, to complete the procedure for submitting invoice forms. Form 473 must be completed each funding year by each

the Schools and Libraries Universal Service Support Mechanism.

USAC needs to have current, complete and accurate contact and address information in order to properly make payments to service providers. The FCC Form 498, Service Provider Information Form, is the official form to use to submit or update this information. Please ensure that the information on our web site is accurate, and file the Form 498 if an update is needed.

NON-RECURRING SERVICES: Contract Expiration Date(s) featured on the FCC Form 471 may have passed. The attached report includes the Contract Expiration Dates from the Form 471, if provided, for each FRN. FCC rules grant a limited extension for contracts for non-recurring services. "[C]ontracts for nonrecurring services may be voluntarily extended to coincide with the appropriate deadline for the implementation [of delivery and installation for nonrecurring services]. Parties may not, however, extend other contractual provisions beyond the dates established by the Commission's rules without complying with the competitive bidding process." [FCC 01-195, released June 29, 2001] In other words, if an applicant is granted an extension of time for delivery and installation of non-recurring services, the applicant may extend the relevant contract without rebidding. If this is true for your customer, you should first negotiate a contract extension. Your customer must then file an FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form to notify the SLD of the new Contract Expiration Date. After Form 500 has been submitted by your customer and successfully data entered, they can file the Form 486 with the SLD and you can begin invoicing the SLD for approved services.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - application number as assigned by USAC,
 - name of the letter and funding year - both are located at the top of the letter, AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site at www.sl.universalservice.org. Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should

refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

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

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Service Provider Name: Integrity Communications
SPIN: 143018592

Name of Billed Entity: INFORMATION REFERRAL RESOURCE ASSISTANCE ISD
Billed Entity Address: 618 N MCCOLL, PO BOX 164
Billed Entity City: MCALLEN
Billed Entity State: TX
Billed Entity Zip: 78501
Billed Entity Number: 199944
Name of Contact Person: Aggie Pena
Preferred Mode of Contact: FAX
Contact Information: (956) 687-6062
Form 471 Application Number: 249067
Funding Request Number: 608340
Funding Status: Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 453590000338441
Contract Number: na
Billing Account Number: N/A
Service Start Date: 07/01/2001
Contract Expiration Date: 06/30/2002
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$205,087.00
Pre-Discount Amount: \$205,087.00
Applicant's Discount Percentage Approved by SLD: 90%
Funding Commitment Decision: \$184,578.30 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The FRN was modified from \$358,600 to \$205,087 to agree with the applicant documentation.
Applicant Revised FCDL Letter Date: 07/30/2007
Appeal Wave Number: A36

FUNDING COMMITMENT REPORT
Service Provider Name: Integrity Communications
SPIN: 143018592

Name of Billed Entity: INFORMATION REFERRAL RESOURCE ASSISTANCE ISD
Billed Entity Address: 618 N MCCOLL, PO BOX 164
Billed Entity City: MCALLEN
Billed Entity State: TX
Billed Entity Zip: 78501
Billed Entity Number: 199944
Name of Contact Person: Aquie Pena
Preferred Mode of Contact: FAX
Contact Information: (956) 687-6062
Form 471 Application Number: 249067
Funding Request Number: 608364
Funding Status: Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 453590000338441
Contract Number: na
Billing Account Number: N/A
Service Start Date: 07/01/2001
Contract Expiration Date: 06/30/2002
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$872,437.00
Pre-Discount Amount: \$872,437.00
Applicant's Discount Percentage Approved by SLD: 90%
Funding Commitment Decision: \$785,193.30 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The FRN was modified from \$738,755.63 to \$872,437 to agree with the applicant documentation. <><><><><><> MR2: The dollars requested were reduced to remove the ineligible products: 70011 Extreme Networks Sentiariant Switch and INTADVSENTIANT Integrity Advantage NBD Adv. Replacement Sentiariant

Applicant Revised FCDL Letter Date: 07/30/2007
Appeal Wave Number: A36

FUNDING COMMITMENT REPORT
Service Provider Name: Integrity Communications
SPIN: 143018592

Name of Billed Entity: INFORMATION REFERRAL RESOURCE ASSISTANCE ISD
Billed Entity Address: 618 N MCCOLL, PO BOX 164
Billed Entity City: MCALLEN
Billed Entity State: TX
Billed Entity Zip: 78501
Billed Entity Number: 199944
Name of Contact Person: Aguilé Pena
Preferred Mode of Contact: FAX
Contact Information: (956) 687-6062
Form 471 Application Number: 249067
Funding Request Number: 608395
Funding Status: Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 453590000338441
Contract Number: na
Billing Account Number: N/A
Service Start Date: 07/01/2001
Contract Expiration Date: 06/30/2002
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$122,570.15
Pre-Discount Amount: \$122,570.15
Applicant's Discount Percentage Approved by SLD: 90%
Funding Commitment Decision: \$110,313.14 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The FRN was modified from \$30,000 to \$122,570.15 to agree with the applicant documentation. <><><><><><> MR2: The dollars requested were reduced to remove the ineligible products: 70011 Extreme Networks Sentiariant Switch and INTADVSENTIANT Integrity Advantage NBD Adv. Replacement Sentiariant

Applicant Revised FCDL Letter Date: 07/30/2007
Appeal Wave Number: A36



July 19, 2011

Letter of Appeal

Schools & Libraries Division– Correspondence Unit
30 Lanidex Plaza West
P. O. Box 685
Parsippany, NJ 07054-0685

Reference: Letter of Appeal - *“Administrator’s Decision on Implementation Extension Request”* dated 6/22/2011
Funding Request Number (FRN): 608395, 608364, 608340

1. Provide Contact Information:

Name: Jana Chapa, A/R Supervisor, Integrity Communications
Address: P. O. Box 260154, Corpus Christi, Texas 78426
Telephone Number: (361) 242-1000
Fax Number: (361) 241-2523
E-Mail address: jana@integritycd.com

2. This letter is an “APPEAL” -

Appellant/Service Provider: Integrity Communications
SPIN: 143018592
BEN: 199944
470 Application Number: 45359000033841 (Funding Year: 7/1/01–6/30/02)
471 Application Number: 249067
FRN: 608395, 608364, 608340
SLD Invoice Number: 1486421

Please allow this to serve as an *“appeal”* in reference to the letter dated *June 22, 2011* regarding *“Administrator’s Decision on Implementation Extension Request”*.

This letter *“Denied in full”* all funding for FRN#608395, 608364, and 608340 with the explanation that read as follows: *“Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2008. In accordance with the FCC Report and Order (FCC 01-195) released June 29, 2001, the Administrator may grant an extension of time for the implementation of no-recurring services if the implementation is delayed for circumstances beyond the named service provider’s control. You have been unable to establish such circumstances.”*

Information Referral Resource Assistance ISD (IRRA) applied for E-Rate funding for Year 4 (7-1-01 to 6-30-02). Funding was denied by USAC saying there was not a "Binding Agreement" in place when the Form 471 was submitted. An appeal was filed directly to USAC and was denied. Subsequently, a "Petition for Review" was submitted directly to the FCC on Nov 8, 2002.

This appeal sat with the FCC for several years until the "FCC Order 07-35" (Released: March 28, 2007) granted numerous appeals to be reviewed and acted on expeditiously. Along with that order, FCC Commissioner Robert McDowell issued a statement saying that, "I support these decisions for several reasons. First, each of these appeals involves technicalities in the USAC procedures. Our actions here do not substantively alter the eligibility of the Schools and Libraries program. Furthermore, we find no indication of any intention to defraud the system on the part of any of these applicants. Also, our decisions and USAC's actions on appeal should have minimal effect on the level of the Universal Service Fund, because USAC has already reserved sufficient funds to take into account pending appeals. Finally, I am pleased that we impose reasonable time limits on USAC to address these cases on appeal so they can be resolved expeditiously." (Complete "Statement - Commissioner Robert M. McDowell" attached)

In July of 2007, IRRA was funded for their Yr 4 (2001-2) application. The service provider, Integrity Communications, began work in September of 2007, only to be shut down by the rejection of IRRA's Form 486 in November 2007. USAC denied the Form 486 stating they had no "Technology Plan" on file for IRRA. We have a declaration by the IRRA Superintendent that states the "Certified Technology Plan" was turned in originally as the USAC guidelines specify.

There was a "Joint Request for Review and Waiver" filed with the FCC on 12-26-2007. Once again, nothing was heard on this matter for several years until a "486 Notification Letter" was sent out to applicant and service provider on 3-16-11.

IRRA (the applicant) filed a Form 500 to extend the contract date...and it was extended to 3-16-2012.

Integrity Communications, the service provider, started the much needed work only to have their first invoice rejected at -0- pay due to an expired "Service Delivery Deadline". The service provider requested an extension for the service delivery deadline and was **denied in full** by USAC stating that the service delivery deadline had to be requested before the prior service delivery deadline had expired, which would have been 9-30-2008.

This entire ordeal has been extremely complicated, confusing, laborious, and frustrating. After countless conversations with various USAC personnel, we were advised that we should share the facts of IRRA's long struggle towards trying to get their much needed services to the students in their district. **We respectfully request USAC to grant this appeal and extend the service delivery deadline extension to allow for the commencement of these services which were initially and properly applied for over 10 years ago. We would also request an expedited review and approval of the request to prevent further delay of their services.**

Thank you for your time, help, and consideration.

Respectfully Submitted,

Jana Chapa
A/R Supervisor
Integrity Communications



Administrator's Decision on Appeal - Funding Year 2001

August 19, 2011

Jana Chapa
Integrity Communications
P.O. Box 260154
Corpus Christi, TX 78426

Re: Applicant Name: Information Referral Res. Assistance
 Billed Entity Number: 199944
 Form 471 Application Number: 249067
 Funding Request Number(s): 608340, 608364, 608395
 Your Correspondence Dated: July 19, 2011

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 2001 Administrator's Decision on Invoice Deadline Extension Request 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): 608340, 608364, 608395

Decision on Appeal: **Denied**

Explanation:

- FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Service Delivery Deadlines and Extension Requests for more information.). In accordance with FCC Report and Order (FCC 01-195) released on June 29, 2001, in order to provide additional time to implement contracts or agreements with service providers for non-recurring services, applicants must submit documentation to the Administrator requesting relief on or before the original non-recurring services deadline.

- Your appeal has not brought forth clear information establishing that application for relief was made prior to this deadline. Therefore, your appeal is denied.

If you believe there is a basis for further examination of your application, 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 POSTMARKED within 60 days of the above 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