

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

In the Matter of)

**Request for Review of Decisions of the
Universal Service Administrator**)

**St. Barnabas High School
Bronx, New York**)

CC Docket No. 02-6

File Nos. SLD File No. 468702 (FY 2005)

**FRNs 1290734 and 1290765 and
1290576, 1290618, 1290652
1290686 and 1290704**

To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW

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Dated: November 25, 2011

TABLE OF CONTENTS

SUMMARY.....i

I. STATEMENT OF THE SCHOOL'S INTEREST IN THE REQUESTS.....2

II. KEY BACKGROUND FACTS.....2

A. St. Barnabas High School2

B. St. Barnabas and E-Rate Program.....3

C. The FY 2005 Form 471 and Funding Commitment.....4

D. The USAC Review and The COMAD4

III. STANDARD OF REVIEW AND GOVERNING FCC PRECEDENT6

IV. ARGUMENT6

A. The COMAD Is Not Timely6

**B. The Circumstances Justify A Waiver of the Commission's Record-
 Keeping Rules.....7**

V. CONCLUSION AND REQUEST FOR RELIEF11

SUMMARY

This request relates to a Notification of Commitment Adjustment Letter ("COMAD") served on St. Barnabas High School, a Catholic girls' high school in the Bronx, New York relating to Funding Year ("FY") 2005. The School, which had no E-Rate Program consultant or expert and three different principals since FY 2005, was, despite a diligent search by the current principal, unable to produce copies of surveys supporting its certified Form 471 discount calculation. As a result, USAC retroactively reduced the discount rate for all Priority 2 funding for FY 2005 to 20% and commenced recovery procedures in late September of 2011. St. Barnabas respectfully submits that the COMAD is out of time because it fails to satisfy the Commission's 5-year administrative rule.

In the event that the Commission deems the COMAD timely, the totality of the circumstances in this case justify a waiver of the 5-year document retention rule and rescission of the COMAD. There is no evidence of any intent to defraud or abuse the E-Rate Program. FY 2005 was the first year that the new document retention requirements were in place and the requirement for recovery of these funds, which were properly expended in accordance with USAC's approval, would only work a hardship on the school and under the circumstances would not serve the fundamental purposes of the E-Rate Program.

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To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW

St. Barnabas High School (“St. Barnabas” or the “School”), acting through counsel and pursuant to and in accordance with Sections 54.719-54.721 of the Federal Communication Commission’s (“FCC” or “Commission”) rules, hereby requests the review of a Notification of Commitment Adjustment Letter issued by the Universal Service Administrative Company (“USAC”) as administrator of the E-Rate Program. St. Barnabas respectfully submits under the circumstances there is good cause for the Commission to waive the record-keeping requirement which USAC cites as grounds for now seeking to recover previously-approved E-Rate Program support.¹

More specifically, the COMAD relates to two Funding Request Numbers (“FRNs”)

¹Notification of Commitment Adjustment Letter, dated September 28, 2011, Funding Year 2005, attached as Exhibit 1 (“COMAD”). This Request For Waiver is timely filed in accordance with Sections 54.720 and 1.4 of the Commission’s Rules within 60 days of the issuance of the COMAD.

approved by USAC for Funding Year 2005 for Internal Connections, specifically FRN 1290734 in the amount of \$10,563.30 and FRN 1290765 in the amount of \$5,389.65. These funds were disbursed in full in accordance with USAC's original approval and USAC now seeks to recover all amounts.

In addition, out of an abundance of caution, the School has included in this Request additional FY 2005 FRNs for which USAC previously indicated its intent to rescind in full, on the same grounds, the E-Rate Program support provided and disbursed, although at this point St. Barnabas has no record of receiving any formal COMAD.²

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

St. Barnabas 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."³ In this case, the District is directly aggrieved by USAC's COMAD, which seeks to recover previously-approved and disbursed E-Rate Program funds for FY 2005 in the total amount of \$15,952.95.

II. KEY BACKGROUND FACTS

A. St. Barnabas High School

St. Barnabas High School is a college preparatory Catholic High School for young women, founded in 1924, and under the aegis of St. Barnabas Parish and the Archdiocese of

² St. Barnabas has received no other COMAD from USAC related to any other FRNs for E-Rate Program support that it received for FY 2005. Nevertheless, out of an abundance of caution because USAC indicated its intent to rescind the additional E-Rate Program Priority 2 funding for FY 2005, this Request includes the following additional FRNs, all involving Basic Maintenance of Internal Connections: 1290576 (\$25,550.10), 1290618 (\$1,125.00), 1290652 (\$1618.20), 1290686 (\$5,886.00) and 1290704 (\$1,132.90). St. Barnabas has received formal COMADs for subsequent Funding Years, all based on discount calculations, which collectively with the FRNs subject to this Request, currently total more than \$150,000 in the aggregate.

³ 47 C.F.R. § 54.719(c).

New York. The School is situated in the Woodlawn section of the Bronx, and services a multicultural population of students from low and lower middle income families from the adjacent communities.⁴

St. Barnabas is a tuition-based school, and the school's operating income and expenses are contingent upon student enrollment. The School's current student population is 229 students. The population has fluctuated over the years since FY 2005 and the School's student capacity is approximately 400 students. The decline in student population has caused a significant financial strain on the School. Moreover, many students at St. Barnabas receive scholarships and financial aid in order to be able to complete their education. These monies are generous gifts from alumnae and private donors.

The School offers a lunch program for its students. Participation in the lunch program is optional, and at low cost to students. The School offers a similar program for breakfast. The School uses the National School Lunch Program eligibility guidelines in calculating E-Rate Program discount rates.

B. St. Barnabas and E-Rate Program

Although St. Barnabas started participating in the E-Rate Program in 1998, throughout that participation E-Rate Program matters have been handled on a part-time basis by the principal or a designated teacher.

The School has had no external E-Rate Program consultant or internal full-time E-Rate staff and did not for Funding Year 2005. As in the case of many smaller or individual schools E-Rate Program duties have traditionally been an additional assignment along with teaching or

⁴ St. Barnabas is accredited by The University of the State of New York and The Middle States Association of Colleges and Secondary Schools and offers students a broad array of academic courses and extracurricular activities.

other administrative responsibilities. During St. Barnabas' participation there also have been turnovers in key personnel as well. Since 2001 there have been three principals at the School dealing with E-Rate matters.

It has been the practice of the School to conduct surveys of the school families each year as a basis for its applications for E-Rate Program support. The support received from the E-Rate Program has been and remains critical to the School's ability to provide the students with in-school Internet Access and the enhanced learning opportunities that such access affords.

C. The FY 2005 Form 471 and Funding Commitment

St. Barnabas submitted the relevant FCC Form 471 to USAC on February 14, 2005. The Form 471, certified by the principal Mr. Joseph Mercora, reflected a total student count of 310, including 280 "NSLP Students" or some 90.322% of the total students.⁵

The relevant USAC Funding Commitment Decision Letter ("FCDL") was dated October 12, 2005. The authorized E-Rate Program support was as requested under the FRNs and was disbursed and used in accordance with the USAC approvals.

D. The USAC Review and The COMAD

Five years after the USAC approval of Funding Year 2005 support, in October of 2010, USAC requested information concerning the mechanism that was used to determine the School's discount percentage for FY 2005. After a diligent and exhaustive search of School records, the current principal of the School, Sister Joan Faraone, reported to USAC on October 14, 2010 that

⁵ See Exhibit 2. For Funding Year 2002 and Funding Year 2004 St. Barnabas reported "NSLP Students" at 81.9% (FY 2002 – Application No. 313488 - out of 221 students) and 85.951% (FY 2004 – Application 421884 – out of 412 students). St. Barnabas did not apply for E-Rate Program support for FY 2003.

St. Barnabas was unable to locate and thus produce copies of the underlying surveys gathered and used as a basis for its FY 2005 Form 471 application.

After further correspondence with USAC ending in May of 2011, on September 28, 2011, USAC issued the COMAD covering the two FRNs for Internal Connections for FY 2005⁶. The School actually received the COMAD on or about September 30, 2011.

The COMAD seeks to recover all funds disbursed under the FRNs totaling \$15,952.95.

USAC's Funding Commitment Adjustment Explanation for both FRNs was as follows:

After a thorough review, it was determined that the funding commitment for this request must be rescinded in full. On the original Form 471, the applicant was approved at a 90 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During the review, the applicant indicated the survey documentation used to determine the requested discount percentage was not kept on file. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt of, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. Since the surveys used to determine the discount percentage were not kept on file, the missing surveys are considered as children not eligible for free or reduced lunch. Therefore, it was determined that the applicant is eligible to receive a 20 percent discount. This determination was based on the minimum discount for an urban entity. In addition, FCC rules state that internal connections are given second priority

⁶ As noted above, St. Barnabas has no record of receiving any other COMAD from USAC related to any other FRNs for E-Rate Program support that it received for FY 2005. Nevertheless, out of an abundance of caution, because USAC has indicated its intent to rescind the additional E-Rate Program Priority 2 funding for FY 2005, this Request includes the following additional FRNs, all involving Basic Maintenance of Internal Connections: 1290576 (\$25,550.10), 1290618 (\$1,125.00), 1290652 (\$1618.20), 1290686 (\$5,886.00) and 1290704 (\$1,132.90). However, St. Barnabas has received formal COMADs for subsequent Funding Years, all based on discount calculations, which collectively with the FRNs subject to this Request, currently total more than \$150,000 in the aggregate.

and, when demand for discounts for internal connections exceed available support, funding should be awarded first to applicants eligible for 90% discount level and then at each descending single discount percentage level until funds are depleted. Since your FY 2005 request for funding was for internal connections and adjusted to 20%, and taking onto account a fact that there were not sufficient funds for FY 2005 to provide internal connections to applicants at your discount rate, your funding commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.”

III. STANDARD OF REVIEW AND GOVERNING FCC PRECEDENT

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 agency adjudications.⁷ USAC is not empowered to make policy, interpret any unclear rule promulgated by the Commission,⁸ or to create the equivalent of new guidelines.⁹ USAC is responsible for “administering the universal support mechanisms in an efficient, effective, and competitively neutral manner.”¹⁰ The Commission’s review of the Denial Letters is *de novo*, without being bound by any findings of USAC.¹¹

IV. ARGUMENT

A. The COMAD Is Not Timely

The Commission established that USAC’s audits and investigations are subject to a five-year administrative time limitation. Specifically, in its *Fifth Report and Order*, the Commission stated:

⁷ 47 C.F.R. § 54.702(c).

⁸ *Id.*

⁹ *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).

¹⁰ 47 C.F.R. § 54.701(a).

¹¹ 47 C.F.R. § 54.723.

“Accordingly, we announce our policy that we will initiate and complete any inquiries to determine whether or not statutory or rule violations exist within a five-year period after final delivery of service for a specific funding year.”¹²

The Commission went on to say that this was the “time period within which we must *bring action* to establish a debt due to a violation of E-rate program rules or the statutory provisions.”¹³

The COMAD in this case was not issued until September 28, 2011, which is more than 5 years after the end of Funding Year 2005 on June 30, 2006. Therefore, St. Barnabas respectfully submits that the COMAD is not timely and should be rescinded.¹⁴

B. The Circumstances Justify A Waiver of the Commission’s Record-Keeping Rules

Even assuming that the COMAD is timely, St. Barnabas respectfully submits that the totality of the circumstances justify a waiver of the Commission’s rule that USAC relies upon in seeking recovery of previously-approved and used E-Rate Program funds – namely the requirement to retain certain documents for at least 5 years after the last day of service delivered in a particular funding year.¹⁵

¹² *In Re Schools and Libraries Universal Service Support Mechanism*, Fifth Report and Order, 19 FCC Rcd 15808, 15818-819, ¶32 (“*Fifth Report and Order*”) (emphasis supplied). In doing so the Commission stated that beneficiaries were entitled to “certainty and closure in the E-Rate applications and funding processes.” *Id.*

¹³ *Id.*, at n. 55.

¹⁴ There is no indication that the services supported by the E-Rate Program support subject to the COMAD were delivered beyond June 30, 2006 and the Commission has not ruled that even if non-recurring services are delivered by the end of the funding year, USAC gets the benefit of an automatic extension.

¹⁵ 47 C.F.R. §54.516(a)(1).

The Commission's rules allow for the waiver of a Commission rule "for good cause shown."¹⁶ The FCC has articulated the following guidance for determining whether a 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.¹⁷

In granting such waivers, the Commission has noted that, like the situation with St. Barnabas, those responsible for understanding and complying with the E-Rate Program rules at individual schools or small school districts are not federal grants program experts. On more than one occasion the Commission has granted waivers for good cause, noting that:

[T]he primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time.... Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants.¹⁸

¹⁶ 47 C.F.R. § 1.3.

¹⁷ *Requests for Review of Decisions of the Universal Service Administrator by Richmond County School District*, 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)).

¹⁸ *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al.*, Order, 21 FCC Rcd 5316,5323, ¶14 (2006); *see also Request for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science*, Order, 25 FCC Rcd 9256, 9260, ¶9 (2010); *Request for Waiver of Decisions of the*

St. Barnabas is a single school where among the duties of the principal was service as the E-Rate Program contact person. There were no resources for a dedicated full-time E-Rate staff person. Such limited staffing and resources have also been noted as grounds for waiver of the Commission's rules in certain circumstances.¹⁹ So has staff turnover and as noted above there have been three principals at St. Barnabas since FY 2005.²⁰

Moreover, the formal and detailed record-retention requirements that were the basis for the COMAD had only just gone into effect at the beginning of the Funding Year and logically were less familiar to St. Barnabas, particularly when there was a change in principals at the end the Funding Year in question.²¹ The Commission also has taken into consideration such circumstances in granting waivers of its rules.²²

There is no evidence that St. Barnabas' inability, nearly 5 years after the end of the Funding Year, to produce the surveys in question is based on any effort or intent to defraud or

Universal Service Administrator by Children of Peace School, Order, 25 FCC Rcd 5492, 5495-96, ¶7 (Wireline Compet. Bur. 2010); *Request for Review of Decision of the Universal Service Administrator by Hazelwood School District*, Order, 24 FCC Rcd 12698, 12700, ¶5 (Telecom. Access Policy Div. 2009).

¹⁹ See *Request For Waiver of Form 470 Requirements re: Voluntary Contract Extension Designation by California State E-Rate Coordinator*, Order, 25 FCC Rcd 16119, 11621, ¶5 (Telecom. Access Pol. Div. 2010).

²⁰ See *Requests for Review of Decisions of the Universal Service Administrator by Alton Community Unit School District 11*, Order, 25FCC Rcd 7089,7091-92, ¶5 (Wireline Compet. Bur. 2010).

²¹ See *Request for Review of Decision of the Universal Service Administrator by Keyport School District*, Order, 24 FCC Rcd 12702, 12705, ¶8 (Telecom. Access Pol. Div. 2009) (“[P]rior to funding year 2005, the Commission had not adopted rules describing the types of documents E-rate program participants were required to keep....”)

²² *Requests for Review of the Universal Service Administrator by West Virginia Dept. of Education*, Order, DA-11-1698, Telecom. Access Pol. Div., released October 14, 2011, p. 2, ¶4.

abuse the E-Rate program.²³ There is no evidence of any waste or misuse of the E-Rate Program support funds that were provided. They were used in accordance with the approval granted. Such circumstances further support the grant of a waiver.²⁴

Finally, the Commission may also take into consideration “hardship, equity, or more effective implementation of overall policy on an individual basis.”²⁵ There are no funds in the St. Barnabas budget to repay these funds.²⁶ Requiring repayment would impose a distinct hardship on the School and likely lead to the deprivation of current students of access to services previously supported by the E-Rate Program.

²³ It is also entirely appropriate for the Commission to consider the passage of time as part of the circumstances justifying a waiver. The Commission has recognized that with the passage of time the ability of applicants to effectively respond to allegations of rule violations can be substantially affected. *See Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technology*, Order, 21 FCC Rcd 5348, 5351-52 ¶8, n. 20 (2006) (“*Academy of Careers Order*”).

²⁴ Where there is no evidence of any intent to defraud or misuse the funds of the E-Rate program and in such circumstances, when combined with the other factual circumstances, there is not grounds to justify the harsh penalty of a denial of these funds. *See generally Request for Waiver of the Decision of the Universal Services Administrator by Barberton City School, Barberton, Ohio et al., Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15526, 15530, ¶7 (Telecom. Access Pol. Div. 2008).

²⁵ *Request for Waiver of the Decision of the Universal Service Administrator by Owensboro Public Schools, Owensboro, Kentucky*, Order, 21 FCC Rcd 10047, ¶5 (2006) *See generally 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). *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).

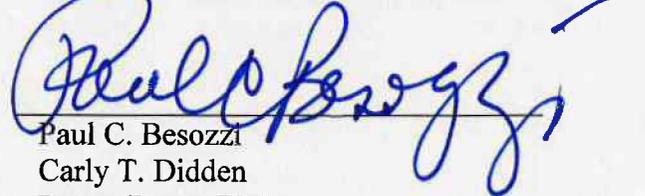
²⁶ Furthermore, St. Barnabas respectfully submits that it is inequitable for USAC to assume, based on the inability to produce, many years later, copies of the FY 2005 surveys, that there are less than 1 percent of the students who qualify for the NSLP and thus require recovery of 100% of the funds disbursed. *See generally Request for Review of Decision of the Universal Service Administrator by Approach Learning and Assessment Centers*, Order, 23 FCC Rcd 15510, 15513-14, ¶8 (Telecom Access Pol. Div. 2008) (Inequitable not to provide relief).

V. **CONCLUSION AND REQUEST FOR RELIEF**

There is no evidence of waste, fraud, or abuse, or failure to comply with the core program requirements. The approved E-Rate Program funds have long been disbursed and put to good use by the School in providing much needed services to its students. Record-keeping mistakes should be considered procedural in nature and not a justification for reaching back multiple years to require repayment in circumstances where the School has made a good faith effort to comply with the Commission's rules. Imposing such a draconian penalty would work a distinct hardship and the equities here do not support USAC's action. For all of the foregoing reasons, the Commission should waive the failure of St. Barnabas to be able to produce the surveys for FY 2005 and direct that the COMAD be rescinded.

Respectfully submitted,

ST. BARNABAS HIGH SCHOOL



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Counsel to St. Barnabas High School

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Principal
St. Barnabas High School
425 East 240th Street
Bronx, New York
718-325-8800

Dated: November 25, 2011

CERTIFICATE OF SERVICE

I, Carly T. Didden, certify on this 25th day of November, 2011, a copy of the foregoing Consolidated Supplement to Requests for Review has been served via electronic mail or first class mail, postage pre-paid, to the following:

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Washington, D.C. 20554
Zacahary.Katz@fcc.gov

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Wireline Competition Bureau
Federal Communications Commission
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Letter of Appeal
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Correspondence Unit
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P.O. Box 902
Whippany, NJ 07981
appeals@sl.universalservice.org



Carly T. Didden

EXHIBIT 1



Universal Service Administrative Company

Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

September 28, 2011

JOSEPH MERCORA
ST BARNABAS HIGH SCHOOL
425 E 240TH ST
BRONX, NY 10470 1709

Re: Form 471 Application Number:	468702
Funding Year:	2005
Applicant's Form Identifier:	BARNEY
Billed Entity Number:	10729
FCC Registration Number:	0013306816
SPIN:	143005216
Service Provider Name:	All County Business Machines Corporation
Service Provider Contact Person:	Donald Gallant

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed 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 adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery 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/fac.html.

TO APPEAL THIS DECISION:

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

If you wish to appeal the Commitment Adjustment 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 Commitment Adjustment Letter and the Funding Request Number(s) (FRN) 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 Notification of Commitment Adjustment 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 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.

Funding Commitment Adjustment Report for
Form 471 Application Number: 468702

Funding Request Number: 1290734
Services Ordered: INTERNAL CONNECTIONS
SFIN: 143005216
Service Provider Name: All County Business Machines Corporati
Contract Number: C05122201-05
Billing Account Number: 5105
Site Identifier: 10729
Original Funding Commitment: \$10,563.30
Commitment Adjustment Amount: \$10,563.30
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$10,563.30
Funds to be Recovered from Applicant: \$10,563.30
Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be rescinded in full. On the original Form 471, the applicant was approved at a 90 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During review, the applicant indicated the survey documentation used to determine the requested discount percentage was not kept on file. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt of, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. Since the surveys used to determine the discount percentage were not kept on file, the missing surveys are considered as children not eligible for free or reduced lunch. Therefore, it was determined that the applicant is eligible to receive a 20 percent discount. This determination was based on the minimum discount for an urban entity. In addition, FCC rules state that internal connections are given second priority and, when demand for discounts for internal connections exceeds available support, funding should be awarded first to applicants eligible for 90% discount level and then at each descending single discount percentage level until funds are depleted. Since your FY 2005 request for funding was for internal connections and adjusted to 20%, and taking into account a fact that there were not sufficient funds for FY 2005 to provide internal connections to applicants at your discount rate, your funding commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Funding Request Number:	1290765
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143005216
Service Provider Name:	All County Business Machines Corporati
Contract Number:	C09192882-05
Billing Account Number:	5105
Site Identifier:	10729
Original Funding Commitment:	\$5,389.65
Commitment Adjustment Amount:	\$5,389.65
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$5,389.65
Funds to be Recovered from Applicant:	\$5,389.65
Funding Commitment Adjustment Explanation:	

After a thorough review, it was determined that the funding commitment for this request must be rescinded in full. On the original Form 471, the applicant was approved at a 90 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During review, the applicant indicated the survey documentation used to determine the requested discount percentage was not kept on file. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt of, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. Since the surveys used to determine the discount percentage were not kept on file, the missing surveys are considered as children not eligible for free or reduced lunch. Therefore, it was determined that the applicant is eligible to receive a 20 percent discount. This determination was based on the minimum discount for an urban entity. In addition, FCC rules state that internal connections are given second priority and, when demand for discounts for internal connections exceeds available support, funding should be awarded first to applicants eligible for 90% discount level and then at each descending single discount percentage level until funds are depleted. Since your FY 2005 request for funding was for internal connections and adjusted to 20%, and taking into account a fact that there were not sufficient funds for FY 2005 to provide internal connections to applicants at your discount rate, your funding commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

EXHIBIT 2

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471**

Estimated Average Burden Hours per Response: 4 hours

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.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) BARNEY

Form 471 Application#

(To be assigned by administrator)

468702

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 ST BARNABAS HIGH SCHOOL

2 a Funding Year: July 1, 2005 Through June 30: 2006 Billed Entity Number: 10729

4 a Street Address, P.O. Box, or Routing Number 425 E 240TH ST

City BRONX

State NY

Zip Code 10470 1709

5 a Type of Application

- Individual School (individual public or non-public school)
- School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
- Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- Consortium Check here if any members of this consortium are ineligible or non-governmental entities

6 Contact Person's Name JOSEPH MERCORA

First, if the Contact Person's Street Address is the same as in Item 4, check this box. If not, please complete the entries for the Street Address below.

b Street Address, P.O. Box, or Routing Number 425 E 240TH ST

City BRONX

State NY

Zip Code 10470 1709

Page 1 of 7



FCC Form 471 - November 2004

Entity Number 10729

Applicant's Form Identifier BARNEY

Contact Person JOSEPH MERCORA

Phone Number 718-325-8800

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.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...

BEFORE ORDER

AFTER ORDER

7a	Number of students to be served		310
b	Telephone service: Number of classrooms with phone service	0	0
e	Direct connections to the Internet: Number of drops	1	1
f	Number of classrooms with Internet access	21	21
g	Number of computers or other devices with Internet access	100	125

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

Worksheet A No: 676651		Student Count: 310	
Weighted Product (Sum. Column 8): 279		Shared Discount: N/A	
1. School Name: ST BARNABAS HIGH SCHOOL			
2. Entity Number: 10729		NCES: 00 92217 1	
3. Rural/Urban: Urban			
4. Student Count: 310		5. NSLP Students: 280	6. NSLP Students/Students: 90.322%
7. Discount: 90%		8. Weighted Product: 279	
9. Pre-K/Adult Ed/Juv: N		10. Alt Disc Mech: N	

Block 5: Discount Funding Request(s)

FRN: 1290301		FCDL Date: 10/12/2005	
10. Original FRN:			
11. Category of Service: Telecommunications Service		12. 470 Application Number: 617830000511783	
13. SPIN: 143001359		14. Service Provider Name: Verizon - New York Inc.	
15a. Non-Contracted tariffed/Month to Month Service: Y		15b. Contract Number: MTM	
15c. Covered under State Master Contract:		15d. FRN from Previous Year:	
16a. Billing Account Number:		16b. Multiple Billing Account Numbers?: N	
17. Allowable Contract Date: 12/16/2004		18. Contract Award Date:	
19a. Service Start Date: 07/01/2005		19b. Service End Date: 06/30/2006	
20. Contract Expiration Date:			
21. Attachment #: 1		22. Block 4 Entity Number: 10729	
23a. Monthly Charges: \$330.00		23b. Ineligible monthly amt.: \$.00	
23c. Eligible monthly amt.: \$330.00		23d. Number of months of service: 12	
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$3,960.00			
23f. Annual non-recurring (one-time) charges: 0		23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00			
23i. Total program year pre-discount amount (23e + 23h): \$3,960.00			
23j. % discount (from Block 4): 90			
23k. Funding Commitment Request (23i x 23j): \$3,564.00			

FRN: 1290341		FCDL Date: 10/12/2005	
10. Original FRN:			
11. Category of Service: Telecommunications		12. 470 Application Number: 617830000511783	

Service	
13. SPIN: 143001192	14. Service Provider Name: AT&T Corp.
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #:	22. Block 4 Entity Number: 10729
23a. Monthly Charges: \$49.73	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$49.73	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$596.76	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$596.76	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$537.08	
FRN: 1290495 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 617830000511783
13. SPIN: 143028495	14. Service Provider Name: Vastnet Corp.
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: N/A
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:
16a. Billing Account Number: 718-325-8800	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 2	22. Block 4 Entity Number: 10729
23a. Monthly Charges: \$960.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$960.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$11,520.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$11,520.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$10,368.00	
FRN: 1290576 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 617830000511783
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: C05122202-05
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 3	22. Block 4 Entity Number: 10729
23a. Monthly Charges: \$0.00	23b. Ineligible monthly amt.: \$0.00
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: 28389	23g. Ineligible non-recurring amt.: 0

23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$28,389.00	
23i. Total program year pre-discount amount (23e + 23h): \$28,389.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$25,550.10	
FRN: 1290618 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 617830000511783
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: C091568-05
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 4	22. Block 4 Entity Number: 10729
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: 1250	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,250.00	
23i. Total program year pre-discount amount (23e + 23h): \$1,250.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$1,125.00	
FRN: 1290652 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 617830000511783
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: C05122402-05
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 5	22. Block 4 Entity Number: 10729
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: 1798	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,798.00	
23i. Total program year pre-discount amount (23e + 23h): \$1,798.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$1,618.20	
FRN: 1290686 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 617830000511783
13. SPIN: 143005216	14. Service Provider Name: All County Business

		Machines Corporation	
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: C07122203-05		
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:		
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?: N		
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005		
19a. Service Start Date: 07/01/2005	19b. Service End Date:		
20. Contract Expiration Date: 06/30/2006			
21. Attachment #: 6	22. Block 4 Entity Number: 10729		
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: 6540	23g. Ineligible non-recurring amt.: 0		
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$6,540.00			
23i. Total program year pre-discount amount (23e + 23h): \$6,540.00			
23j. % discount (from Block 4): 90			
23k. Funding Commitment Request (23i x 23j): \$5,886.00			
FRN: 1290704 FCDL Date: 10/12/2005			
10. Original FRN:			
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 617830000511783		
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation		
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: C08192882-05		
15c. Covered under State Master Contract:	15d. FRN from Previous Year:		
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?:		
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005		
19a. Service Start Date: 07/01/2005	19b. Service End Date:		
20. Contract Expiration Date: 06/30/2006			
21. Attachment #: 7	22. Block 4 Entity Number: 10729		
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: 1481	23g. Ineligible non-recurring amt.: 0		
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,481.00			
23i. Total program year pre-discount amount (23e + 23h): \$1,481.00			
23j. % discount (from Block 4): 90			
23k. Funding Commitment Request (23i x 23j): \$1,332.90			
FRN: 1290734 FCDL Date: 10/12/2005			
10. Original FRN:			
11. Category of Service: Internal Connections	12. 470 Application Number: 617830000511783		
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation		
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: C05122201-05		
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:		
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?: N		
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005		
19a. Service Start Date: 07/01/2005	19b. Service End Date:		
20. Contract Expiration Date: 06/30/2006			
21. Attachment #: 8	22. Block 4 Entity Number: 10729		
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: 11737	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$11,737.00	
23i. Total program year pre-discount amount (23e + 23h): \$11,737.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$10,563.30	

FRN: 1290765 FCDL Date: 10/12/2005	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 617830000511783
13. SPIN: 143005216	14. Service Provider Name: All County Business Machines Corporation
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: C09192882-05
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 5105	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 12/16/2004	18. Contract Award Date: 02/07/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 9	22. Block 4 Entity Number: 10729
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: 5988.5	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$5,988.50	
23i. Total program year pre-discount amount (23e + 23h): \$5,988.50	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$5,389.65	

Block 6: Certifications and Signature

Application ID:468702

Do not write in this area.

Entity Number	10729	Applicant's Form Identifier	BARNEY
Contact Person	JOSEPH MERCORA	Phone Number	718-325-8800

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 23l on all Block 5 Discount Funding Requests.)	\$73,260.26
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$65,934.23
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$7,326.03
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$8,000.00
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.)	\$15,326.03
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 2/14/2005

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**

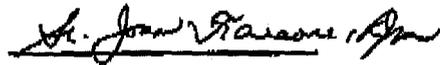
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DECLARATION

1. I, Sister Joan Faraone, RJM, am the current principal of St. Barnabas High School ("St. Barnabas") at 425 East 240th Street in the Bronx, New York 10470-1791. I have occupied that position since July of 2008.
2. The foregoing Request For Review ("Request") of certain actions by the Universal Service Administrative Company with respect to St. Barnabas was prepared and my direction and with my approval.
3. I have reviewed the Request and hereby declare under penalty of perjury that the factual statements and representations therein relating to St. Barnabas, its participation in the E-Rate Program and the recent COMADs are true and correct to the best of my knowledge and belief.



Sister Joan Faraone, RJM

Dated: Nov. 23, 2011