

March 9, 2012

Request for Review
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

The Lenape Regional High School District hereby petitions for reconsideration of FCC Order DA 12-250.

The person who can most readily discuss this with you is the district's E-Rate consultant:

Name: Dan Riordan
Address: 53 Elm Place
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Funding information:

Funding Year: 2005
FRNs: 1339634
Form 471 #: 483421
BEN: 123299
Entity Name: Lenape Regional High School District

The funding request in question is for the eBoard web hosting service. The eBoard service fully complies with the eligibility rules in the 2005-2006 Eligible Services List. The 2005 ESL states: "Web Hosting services that provide a means for a school or library to display content on the Internet is eligible for discount. However, eligibility is limited to the hosting service only, and not the creation or modification of content, which is not eligible."

The eBoard services in the funding request fit this definition exactly. eBoard hosted the district's Web pages on its server and provided the public unfettered access to those pages. eBoard did not provide any service in creation and modification of content. All creation and modification of content was done by district staff. eBoard provided an eligible service, and did not provide an ineligible service.

Even under today's tighter rules concerning Web hosting, the eBoard service is 80% eligible. The 20% cost allocation is for content editing features, which first became ineligible on the 2007-2008 Eligible Services List. Even if the Commission chooses to retroactively apply more stringent rules from later Eligible Services Lists, 80% of the 2005-2006 request should be eligible.

Since neither USAC nor the Commission have identified why eBoard was ineligible in 2005-2006, it is difficult to present more detailed evidence of the product's eligibility.

The district asks that the Commission direct USAC to rescind the Commitment Adjustment and restore FRN 1339634 to full funding. The district also asks that the Commission clarify that the eBoard service was eligible under the eligibility rules for the 2006-2007 and at least 80% eligible for 2007-2008, as requested in the original appeal.

If the Commission does not find that eBoard is eligible, the district requests a waiver of the rules to allow reimbursement for this service. During review of this application, the district supplied, in October 2005, a copy of an invoice for the service that clearly identified the service as TekConnect's eBoard service. With that knowledge, USAC approved funding. Only later was the funding rescinded by COMAD. The district applied in good faith, supplied complete information to USAC, and was approved. Only after service had been delivered and paid for was the funding approval taken back. We ask that the original funding commitment be honored.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Daniel E. Riordan". The signature is fluid and cursive, with the first name being the most prominent.

Daniel E. Riordan
President