

Letter of Appeal – Request for Review

CC Docket No. 02-6

June 27, 2012

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

Contact for this Appeal:

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Pawnee City Public Library
Windstream Communications, Inc
BEN: 138418 SPIN: 143030766
Form 471 Application Number 821817
Funding Request # 2238253

We are writing to request that the FCC review the USAC denial of our appeal for FRN#2238253, Form 471 Application # 821817, for Funding Year 2011.

The USAC denial states "According to information submitted in support of this funding request, the funds requested are for installation associated with Voice, Coax and Category 6 Cabling. Program Integrity Assurance (PIA) categorized this as Internal Connections; However, the cited FY 2011 FCC Form 470: 266800000913641 did not post for this service category, which is a violation of the 28 day competitive bidding requirements of this support mechanism."

We dispute USAC's determination that this FRN should be Internal Connections. Although this is a new building, installation related to the Telecommunications Services was correctly applied for as a one-time, non-recurring charge in the Telecommunications Service category. This is an acceptable service under the Telecommunications Service category. The work performed did not fall into the Internal Connections category.

On the Form 470: 266800000913641, under the Telecommunications Service category, the services requested were "Telecommunications Installation for phone and fax line, new library building" and "Internet Access Installation, hardwired and wireless, new library building". The Eligible Services List for FY 2011, under Telecommunications Services

, lists as eligible "Components required as an integral part of a digital transmission service are eligible for discount, such as: costs of a permanent virtual circuit (PVC), costs of trunk lines, reasonable installation costs". We used this information from the Eligible Services list when filing our Form 470.

On Form 471 Application #821817, per the instructions for Form 471, Item 23 (pages 22-24 of the Form 471 Instructions), Items 23F-23H for **non-recurring** charges (one-time charges) were completed for this service.

In addition, Pawnee City is located in rural southeast Nebraska. Our options for service providers are limited. The only provider in our area was the one who responded to our E-rate application, and as such was the one we had to choose. USAC is concerned that, due to the fact that we didn't use the Internal Connections category, the competitive bidding process did not allow other providers to bid on the services we requested, and/or that we did not receive the most cost effective option. There are no other service providers in our area who could have responded to our application. No matter what category of service we would have put on our Form 470, there is only one service provider option for this installation in our town, so there is no possibility of issues with the competitive bidding process.

As a small, rural public library, our users depend on us to provide them with access to the technology and resources they need. E-rate has helped us maintain the level of service they need and deserve. Loss of this funding will have a very detrimental effect on our ability to serve our patrons effectively.

We respectfully request that the FCC review the USAC denial, set aside that decision and approve the FRN#2238253, Form 471 Application # 821817, for Funding Year 2011.

Sincerely,

Lola Seitz
Library Director