

Received & Inspected

JUN 19 2012

FCC Mail Room

CC Docket No. 96-45
CC Docket No. 02-6
Request for Review

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FCC Mail Room

June 14, 2012

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

This request for review is filed in response to USAC's Administrator's Decision on Appeal for Funding Year 2011: July 1, 2011 - June 30, 2012, addressed to Cherokee Unified School District 247, and dated May 10, 2012.

Billed Entity Name Cherokee Unified School District 247
Billed Entity Number 137706
Form 471 Application Number 800166
Funding Year 2011 (July 1, 2011 – June 30, 2012)

The Notification of Commitment Adjustment Letter of March 27, 2012, seeks to recover the following fund(s):

| Funding Request Number | Funds to be Reserved | Services Ordered | Service Provider |
|------------------------|-----------------------------------|------------------|---|
| 2167887 | \$99,776.28 (\$8314.69 per month) | Internet Access | Pixius Communications, LLC (SPIN: 1430288165) |

The USAC Administrator's Appeal denied the request for appeal based upon the determination that: *"You submitted a RAL request on May 23, 2011. The RAL end date requirement was April 28, 2011. USAC determined that these errors were not Ministerial or Clerical errors and that the increase for FRN 2167887 is not allowable, as the changes occurred after the filing of the Form 471. Since you have provided no new information on appeal, your appeal is denied."*

The change/correction requested with your Receipt Acknowledgement letter was not implemented because you requested an increase in funding, which is not considered a correctable ministerial and clerical error. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied."

Summary of Request for Review:

While the school district acknowledges that corrections to the RAL request were submitted subsequent to the end date requirement the school district is requesting a review by the FCC. Incorrect data were

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entered into the Form 471 due to the clerical error of using an incorrect contract from which the data was procured. Per the supporting documentation from the service provider the correct monthly amount of \$8314.69 should have been entered.

Thank you for your consideration of this review. If you have further questions or desire additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'B. Stefanoni', enclosed within a large, loopy circular flourish.

Brad Stefanoni
Southeast Kansas Education Service Center
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Girard, KS 66743
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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2011-2012

May 10, 2012

Brad Stefanoni
Southeast Kansas Education Service Center
947 W. 47 Hwy.
Girard, KS 66743

Re: Applicant Name: CHEROKEE-CRAWFORD SCH DIST 247
Billed Entity Number: 137706
Form 471 Application Number: 800166
Funding Request Number(s): 2167887
Your Correspondence Dated: March 27, 2012

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 2011 Funding Commitment Decision 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): 2167887
Decision on Appeal: **Denied**
Explanation:

- You submitted a RAL request on May 23, 2011. The RAL end date requirement was April 28, 2011. USAC determined that these errors were not Ministerial or Clerical errors and that the increase for FRN 2167887 is not allowable, as the changes occurred after the filing of the Form 471. Since you have provided no new information on appeal, your appeal is denied.
- The change/correction requested with your Receipt Acknowledgement letter was not implemented because you requested an increase in funding, which is not considered a correctable ministerial and clerical error. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order).* As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. *See SLD Section of USAC web site, Reference Area, "Bishop Perry Order, List of Ministerial and Clerical Errors" at www.usac.org/sl.*

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company