



Received & Inspected

JUL 16 2012

FCC Mail Room

244 W. Michigan Avenue
Jackson, Michigan 49201
Phone: 517-788-4099
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July 5, 2012

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

CC Docket No. 02-6.

Request for Review: Please consider this a letter of appeal, requesting review of a decision made by USAC as well as a **Request for Waiver.**

Dear Secretary Dortch:

The Jackson District Library followed the USAC/SLD process for applying for internet access, considered Priority One, for the 2008-9 funding year (471 application 597711). The Library selected Merit Network, Inc. as the vendor and signed a three year contract for the period 2008-2011. The application included one-time charges as well as ongoing monthly service charges at the Library's 13 branches, all of which were approved.

The vendor then began the work to connect each of the branch libraries in order to provide internet access. However, they found that they were not able to complete the process for six library branches by the end of the first funding year ending June 30, 2009 and, therefore, did not feel they should invoice the library or USAC. Merit provided the following explanation for the delay:

"Delays started first with the fiber construction contractor (PCS); the next delay occurred with all of the make-ready that was needed on the poles; after working through the corrections and cleaning up with each of the violators the next difficult slowdown was getting the pole owners to give us permits for the fiber to be installed. It was the worst case scenario that occurred!"

The needed one time charges would have been requested for the second year of the contract (2009-2010), but the deadline for the submission of the 471 was several months prior to the end of the first funding year and the vendor was still hopeful that they would be able to complete the needed construction and provide the service to all the libraries by June 30, 2009. Seven of the libraries were completed, but six branches were not due to the circumstances detailed above. Each library had its own Funding Request

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Thomas Douglas Roth
LIBRARIAN
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Federal Communications Commission

Page 2

July 5, 2012

Number (FRN) as part of the same application. In order to resolve the situation for the six remaining libraries, we have taken the following steps:

1. Our consultant called the SLD and asked if it was possible to have a Service Extension approved and was told it was not possible since this was a Priority One request.
2. At the same time, the vendor called the SLD Client Services and was told that a Service Extension could be approved.
3. Because of the two contradictory responses, we submitted a SLD Letter of Appeal on December 2, 2010 (see attached). The Appeal was denied but SLD recommended that an Invoice Deadline Extension be submitted (see attached). The vendor was not notified of the extension by USAC and, therefore, did not submit any invoices.
4. Another Invoice Extension Request was submitted on February 9, 2012. The vendor submitted invoices listing the Service Start dates which were *after* the end of the first funding year. The vendor did not feel it was honest to list dates during the funding year if it was not able to provide the service due to circumstances beyond its control: the actual service start dates were listed and the Invoices were not paid.
5. On June 15, 2012, a conference call was held between our consultant, vendor (Merit) and an USAC Client Services representative. The USAC representative suggested that we submit an FCC Appeal.

In summary, the Priority One internet requests were approved for all 13 library branches, but the vendor was not able to complete the build for six branches due to circumstances completely beyond its control. Furthermore, the one- time charges for the fiber build could not be requested during the second year of the contract since the deadline for submission of the application had been four months prior to the end of the first funding year. Along with our vendor, we have explored every avenue we could but have not been successful in obtaining reimbursement for the six libraries. Therefore, we are now earnestly appealing to the FCC to review our unfortunate situation and approve our appeal for reimbursement.

Our library system is funded through property taxes paid by residents in one of the most economically depressed communities in the state of Michigan. The total amount (\$15,225) requested in reimbursements is very significant for our community and represents money that could be used to purchase more books, computers and other materials for children and adults in this struggling community. We sincerely request you to reconsider our situation and approve our reimbursement request for \$15,225. We will be anxiously waiting to hear from you. .

Thank you very much.

Sincerely,



Ishwar Laxminarayan, Director

Jackson District Library

Billed Entity Number: 131414

(517) 788-4099 ext. 240

Fax: (517) 788-6024

Email: Ishwar@jackson.lib.mi.us

Federal Communications Commission

Page 3

July 5, 2012

In this appeal we are requesting that the one-time charges be reimbursed for the following six library branches. Specifically, the discounted amounts being requested for each FRN are the following for a total of \$15,225:

FRN 1723036 Brooklyn
One-time \$5250
Discount \$2625
Service Start 1/28/10

FRN 1724029 Concord
One-time \$5250
Discount \$2625
Service Start 12/17/09

FRN 1724045 Grass Lake
One-time \$5250
Discount \$2100
Service Start 10/30/10

FRN 1724055 Hanover
One-time \$5250
Discount \$2100
Service Start 10/16/09

FRN 1724095 Parma
One-time \$5250
Discount \$2625
Service Start 5/20/10

FRN 1724038 Eastern
One-time \$5250
Discount \$3150
Service Start 10/14/10

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MAR 12

JACKSON DISTRICT LIBR
DIRECTORS OFFICE

Schools Division

Administrator's Decision on Invoice Deadline Extension Request

March 7, 2012

Ishwar Laxminarayan
Jackson District Library
244 W Michigan Ave
Jackson, MI 49201

RE	SLD Invoice #	N/A	BEAR or SPI Invoice Date	N/A N/A
	SLD Line(s) #	N/A		
	Vendor invoice #	N/A		
	471 Application Number	597711		
	Funding Request Number(s)	1723036, 1724029, 1724038, 1724045, 1724055 1724089, 1724095		
	Your Correspondence Dated:	February 09, 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 invoice deadline extension request for the invoice number indicated above. This letter explains the basis of USAC's decision. If your request included more than one invoice number please note that for each invoice for which an invoice deadline extension request was submitted a separate letter is being sent.

Invoice Number	N/A	Line	N/A
Decision on Request			Approved

Since this Administrator's Decision approved your request, an invoice requesting payment must be submitted so that it is postmarked no later than 120 days after the date of this letter in order for your request to be considered as timely filed. If you are resubmitting a Form 472, please remember that you should forward the form to the Service Provider as soon as possible to ensure sufficient time to process your request. The invoice should be submitted in accordance with the instructions that are posted in the SLD Forms area of the SLD web site at www.usac.org/sli/ or are available by contacting the SLD Client Service Bureau at 1-888-203-8100.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

cc: Elwood Downing, Merit Network, Inc

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FEB 28 2011

JACKSON DISTRICT LIBRARY
DIRECTOR'S OFFICE

USAC

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

February 22, 2011

Ishwar Laxminarayan
Jackson District Library
244 W Michigan Ave.
Jackson, MI 49201-2230

Re Applicant Name: JACKSON DISTRICT LIBRARY
Billed Entity Number: 131414
Form 471 Application Number: 597711
Funding Request Number(s): 1723036, 1724029, 1724038, 1724045, 1724055,
1724089, 1724095
Your Correspondence Dated: December 02, 2010

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 2008 Administrator's Decision on Implementation 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): 1723036, 1724029, 1724038, 1724045, 1724055,
1724089, 1724095

Decision on Appeal: **Denied**
Explanation:

- Information provided indicated that the services were delivered outside of the funding year. Therefore, your appeal is denied.

However, based on your appeal and the information provided, an Invoice Deadline Extension has been approved for ERNs 1723036, 1724029, 1724038, 1724045, 1724055, 1724089 and 1724095. You will have 120 days from the date of this letter to submit an invoice.

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 SLJ 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



244 W. Michigan Avenue
Jackson, MI 49201
Telephone (517) 788.4099
Fax (517) 788.6024
www.myjdl.com

February 9, 2012

Invoice Deadline Extension Request
Schools and Libraries Division-Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

Please consider this an invoice deadline extension request.

1. Contact Person: Marie Zuk
2. Contact information:
Convergent Technology Partners
801 S. Saginaw St
Suite 505
Flint, MI 48502
Phone: 810-2230055
Fax: 810-7203886
Email: mzuk@ctpartners.net

3. Form 471: 597711
4. Service Provider Name: Merit Network, Inc.
5. SPIN: 143004331
6. USAC assigned Invoice Number: none known
7. Amount of invoice: \$17,850 discounted amount
8. Reason for extension request:

An Invoicing Appeal was sent to the SLD on December 10, 2010. On February 22, 2011, we received a letter from USAC, the Administrator's Decision on Appeal, stating that the appeal had been denied. However, the letter also stated the following: "However, based on your appeal and the information provided, an Invoice Deadline Extension has been approved for FRNs 1723036, 1724029, 1724038, 1724045, 1724055, 1724089, and 1724095." The invoicing method is SPI for each of these FRNs with the deadline being extended to June 22, 2011.

The vendor has stated that they were not notified by USAC of the extension and, therefore, did not do so. As a result, we are requesting another invoice extension: could we please have a 60 day extension for the FRNs listed?

Please consider this invoice extension request. Thank you for your consideration and we will be anxiously waiting to hear from you.

Sincerely,

Ishwar Laxminarayan
Jackson District Library Director
(517) 788-4099 ext. 241
Email: ishwar@myjdl.com

BOARD OF TRUSTEES

Deborah A Herbert, **President**; Darrell J Durham, **Vice President**, James E Best, **Secretary/Treasurer**;
Teresa T. Delph; Theodore R Kolman, Lawrence S Sanders; George H Sewell



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Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

December 2, 2010

Please consider this an invoicing letter of appeal.

1. Contact Information:
Jackson District Library
Billed Entity Number: 131414
Ishwar Laxminarayan
244 W. Michigan Ave.
Jackson, MI 49203
(517) 788-4099 ext. 241
Fax: (517) 788-6024
Email: ishwar@myjdl.com
2. Please consider this an Invoicing Appeal for application 597711. Specifically, the Funding Request Numbers (FRNs) in question are the following:
1724029
1724045
1724055
1723036
1724038
1724089
1724095

The service provider for all of the above FRNs is Merit Network, Inc whose SPIN is 143004331. The requests were for Internet access and are part of a three year contract beginning July 1, 2008. The requests included one time charges as well as monthly charges all of which were approved. The provider was not able to make the connections for the seven branch libraries reflected in the above FRNs during the first year of the contract, when the one time charges were approved. However, the connections have now been completed and the services are being provided.

Since the one time charges were requested the first year of the contract, the process was begun that year but not completed and the provider did not invoice USAC. Merit has provided the following explanation:

Merit provides an end-to-end service for Jackson District Library. In order for Merit to provide the upgraded service requested by the JDL, Merit had to make

BOARD OF TRUSTEES

some investments in our infrastructure. Those upgrades to Merit's infrastructure delayed our ability to provide the upgraded service to JDL until after the start of the 3-year contract, which began on 7/1/08.

Since this is a Priority One service, service extensions for the one time charges were denied. We also included this request in an application for the current year of the contract: during the PIA process, the one time charges were also rejected since they were Priority One and had been approved during the first year of the contract although not utilized.

In this appeal we are requesting that the one time charges be reimbursed. Specifically, the discounted amounts being requested for each FRN are:

1724029: \$2,625.00
1724045: \$2,100.00
1724055: \$2,100.00
1723036: \$2,625.00
1724038: \$3,150.00
1724089: \$2,625.00
1724095: \$2,625.00
For a total of: \$17,850.

While this may not seem like a great deal of money compared to other requests that USAC must deal with, for the Jackson Library, this is very significant. Please consider this appeal.

Thank you for your consideration. We will be anxiously waiting to hear from you.

Sincerely,

Ishwar Laxminarayan
Jackson District Library Director
(517) 788-4099 ext. 241
Email: ishwar@myjdl.com