

Request For Review Letter Elite High School
BEN 16050794 CC Docket No. 02-6 CC Docket 96-45

Request For Review

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

Re: Name: **Elite High School**
BEN: **16050794**
Funding Year: **2011**
Application: **8797189**
USAC ADAL: **07/25/2012**

September 23, 2012:

Dear Sirs.

This is a letter for a request of a Review regarding the above captioned USAC Notification regarding the following FRN: **2157509**

FRN#: **2157509 – Y & S Technologies -DR1**: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Internal Connections has not been justified as being cost effective as required by FCC Rules. The servers were found to be not cost effective.

Under the two in five rule it is cost effective and efficient to engage infrastructure projects at the maximum capacity. The current school facility according to the New York City Department of Buildings (See attached Certificate of Occupancy) has on the second floor a capacity for 280 students with additional capacity for another 300 students and staff in the lower level and first floor. Therefore three servers to provide service to almost 400 students and 100 staff members is quite reasonable. The school located in one of the most densely inhabited Jewish populations in the world reasonably expects to ultimately reach its maximum capacity.

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At best the reviewer could have reduced the award to fund two out of the three servers so that there is integrity in an administrative and student network.

Requests for the cabling, wired and wireless and all supporting infrastructure **were funded.**

By denying funding for **ALL** servers the school has the capacity of its internal communications and data networks severely limited.

Failure to fund this FRN places considerable hardship on the school to support its basic Internal Connection needs.

The FCC has ruled in:

Federal Communications Commission FCC 01-73
Before the
Federal Communications Commission
Washington, D.C. 20554
In the Matter of
Request for Review of a Decision of the
Universal Service Administrative Company by
Naperville Community Unit
School District 203
Naperville, Illinois
Federal-State Joint Board on Universal
Service
Changes to the Board of Directors of the
National Exchange Carriers Association, Inc.
(
(
File No. SLD-203343
CC Docket No. 96-45

CC Docket No. 97-21
ORDER

Adopted: February 22, 2001 Released: February 27, 2001

II. DISCUSSION

9. **At the outset, we emphasize that our primary objective is to ensure that schools**

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and libraries benefit from the schools and libraries universal service support mechanism as contemplated by the statute. For purposes of considering this Request for Review, this means we must balance the need to minimize administrative costs, while expediting fair and efficient review of applications. With that objective in mind, we consider the circumstances surrounding SLD's return of Naperville's FCC Form 471 for failure to meet SLD's minimum processing standards.

And in

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: May 2, 2006

Released: May 19, 2006

By the Commission: Commissioner Copps issuing a separate statement.

While the Bureau has enforced existing filing deadlines for the E-rate program,¹ we find that good cause exists to waive the procedural deadline in these cases. We find that given that the violation at issue is procedural, not **substantive**, we find that a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the applicants. **Notably, at this**

¹ See, e.g., *North Dakota Order*, 17 FCC Rcd at 7389, para. 13; *Wilmington Public Schools Order*, 17 FCC Rcd at 12071, paras. 7-8; *South Barber Order*, 16 FCC Rcd at 18437-38, para. 7.

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time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements revealed by the record in these matters. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.² We therefore **grant these appeals and remand them to USAC for further processing consistent with this Order.**

Failure to fund these FRN's places considerable hardship on the school to support its basic Internal Connection needs.

We therefore submit that the FRN submitted above should be funded at best as submitted to support the current and future capacity and at worst reduced by 33%.

Sincerely,



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LOA Attached

² See 47 U.S.C. § 254(h).