



reading, viewing, and listening experiences; welcome virtual social networking; and promote a lifetime of learning for residents of all ages.

The secondary role of the library is to encourage children to develop an interest in reading and learning through services directed toward children, their parents, and families.

Additionally the library supports free public internet access to the digital world with no unnecessary restrictions or fees to ensure that everyone can take advantage of the ever-growing resources, services and virtual social networking available through the internet.

### **The Organization**

The Wayland Free Library is a public library situated in the rural community of Wayland, New York. The Library provides services for those residents living in the Wayland-Cohocton school district which encompasses Wayland and four other rural communities. In addition to circulating popular printed materials, the Library provides free public access to the internet via 22 in house computers and an open access Wi-Fi system. At the end of 2011, there were 5484 registered patrons.

The Library is staffed by a full time Librarian, 6 part-time clerks and 4 student interns. It is open six days a week including three evenings and Saturday for a total of 43.5 hours.

The Library is funded partially by a Library Tax levied through the school district with the rest of the funding provided by donations from patrons. The Library operates on a total annual budget of \$158,500.

## **The Problem**

On October 2, 2012 Administrator issued a decision letter stating that “(Applicant’s ) Form 471 application and/or certification was submitted online or postmarked AFTER the deadline for an application to be considered as filed within the window.” This effectively barred the Applicant from receiving partial reimbursement for the expenses incurred to provide the service specified on the Form 470 (See Attachment 1).

The main reason for the “late” application was the requirement on the Applicant to wait 28 days following submission of the Form 470 to select service providers for tariffed or month-to-month services. This effectively gives service providers the opportunity to bid on the Applicant’s service as specified on the Form 470.

The Applicant’s Form 470 was filed online on February 28, 2012 (See Attachment 2). Applicant received a receipt notification letter from the Administrator on March 12, 2012 (See Attachment 3).

The receipt notification letter specified when the Form 470 was posted and the “Allowable Contract Date.” However, it did not state that the “Allowable Contract Date” was after the filing window for the Form 471.

Applicant, knowing the Form 471 deadline of March 20, 2012 (See Attachment 4), and knowing that the requested “Basic Telephone Service” would be through the same service provider as in the past, attempted to file online a Form 471 before the deadline. The online system blocked Applicant from filing the Form 471 because the 28 day waiting period following submission of the Form 470 had not expired.

Applicant waited the 28 days, and filed the Form 471 on March 29, 2012 (See Attachment 5) which was nine (9) days after the Form 470 window closed (March 20, 2012).

## **Discussion**

The Wayland Free Library has used the same phone service provider for more than 10 years (The earliest retained record is an electronic entry in the accounting system dated August 8, 2002 for July telephone service). The service, "Basic Telephone Service," qualifies as a recurring service, that is, it is renewed every year and is substantially unchanged from year to year.

Form 470, Block 2: Summary Description of Needs or Services Requested contains the following statement referring to requests for proposed telecommunication Services:

*If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

The Applicant's Form 470 has "No, I have not released and do not intend to release an RFP for those services" checked meaning that the Applicant did not release an RFP and does not intend to release an RFP for these services (See Attachment 2). The implication is that the Applicant does not intend to change the current service. Therefore, it makes no sense to wait the 28 days to file the Form 471.

Further, the above quoted statement is silent as to the requirement to wait 28 days when "checking NO." It merely states that "you risk denial of your funding request."

When filing Form 471 online, the Administrator's website prevents an Applicant from filing within that 28 day period, even when the Applicant tries to file before the Form 471 application window closes.

### **The Conclusion**

The Applicant respectfully requests that the Commission issue a wavier of the Form 471 application deadline based on the information provided in this appeal.

The Applicant also requests that the Commission instruct the Administrator to include in the Form 470 Receipt Letter, the next step for applicants and any associated deadlines related to the next step.

The Applicant finally requests that the Commission instruct the Administrator to make changes to the Form 471 application and procedure to allow applicants to skip the 28 day waiting period where no RFP is issued nor intended to be issued.

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "Donald E. Eck". The signature is fluid and cursive, with the first name "Donald" written in a larger, more prominent script than the last name "Eck".

Donald E. Eck, Principal Clerk

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