



The New America School-NM
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Hon. Jared Polis, Founder
Juan Vigil, Governing Council President
LaTricia Mathis, Principal

Letter of Appeal - Request for Review CC Docket No. 02-6

Attn: Marlene H. Dorch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Dr
Capitol Heights, MD 20743

Decision Document: Administrator's Decision on Appeal – Funding year 2012 – 2013 - 10/12/12
Funding Year: 15 (2012-2013)
BEN: 16067291
471 #: 859640
FRN: 2352721
SPIN: JD and K Construction, LLC 143033821

Entity Information:

The New America School Las Cruces
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Las Cruces, NM 88001
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SLD Explanation:

USAC does not allow applicants to revise NSLP data dated after the close of the filing window. The rules of this support mechanism do not allow for an increase in discount of a funding request subsequent to the FCC Form 471 being committed for funding unless there was an error on the part of USAC. According to information submitted as Item 21 attachments the funds requested are for Priority-two services. For Funding Year 2012, given program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your requested discount level to be funded. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.

We are requesting an appeal and assistance regarding two items regarding the denial of USAC funding for Form 471 859640, for Internal Connections, in the amount of \$45,716.27.

- We are requesting our school be moved from the 20% eRate eligible funding to a 90% school.
- We have a unique circumstance because we are a new school and admitted students for the first time on 8/20/12. We are appealing the denial of FRN 235155 to be overturned as USAC denied our funding before our brand new school had a chance to open and complete the documentation showing our eligibility for the National School Lunch Program.
 - USAC Issued a FCDL Denial on 8/13/2012 for being at the 20% funding level because we did not yet have to paperwork to justify the 90% Erate Funding based on the NSLP information.
 - Our school did not open until 8/20/2012 and we were then able to complete the NSLP paperwork

At the time of submission of the Form 471, our school was being built and therefore had never had students, with no data available regarding the eligibility of students who receive Free and Reduced lunches through the NSLP. Per USAC we filed our 471 at a 20% reimbursable rate and were told to revise the RAL when the Free and Reduced rate was determined based on student enrollment. However, the FCDL was issued prior to school opening, therefore the opportunity did not exist to make the adjustment on the RAL and submit.

According to the FCDL issued on August 13, 2012, "Given program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded."

We filed an appeal letter to USAC on August 20th 2012 the same day New America School Las Cruces opened its doors and determined the rate of Free and Reduced Lunch which we did not have prior to the FCDL being issued. Our NSLP is now available at 97.3%, which would entitle New America School Las Cruces to a reimbursable rate of 90%. As such, we ask that the FCC turn over USAC's decision to deny funding based on this the time line and new information. This funding will greatly improve our ability to offer the best education and opportunities to our students. As a new school we are depending on this funding to help us complete what was started when this new school was designed with our students best interest in mind.

Respectfully,



LaTricia Mathis

The New America School-Las Cruces