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December 17, 2012

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, SW

Washington, DC 20554
CC Docket No. 02-6

Request for Review: USAC Appeal Denial of 471 Application 871450 for Team Success School of Excellence being Postmarked Outside of Window for funding Year 2012, issued November 16, 2012.

Dear Sir or Madam:

I am submitting this letter of appeal requesting the FCC overturn or grant a waiver for 471 application number 871450. This request is followed by the USAC denial of this appeal for Team Success School of Excellence, on the grounds that, the paper certification was mailed within the Erate Filing window and our support documentation clearly shows this.

Appellant Name: Erate Exchange, LLC
Applicant Name: Team Success School of Excellence
471 Application Number: 871450
Billed Entity Number: 205962
FRN: 2376707
Service Providers: Drum Communications

USAC Explanation for denial: *"USAC denied the funding request because it was USAC determined that the FCC form 471 Certification was not postmarked on or before the close of the filing window of March 20, 2012. You have failed to demonstrate that your FCC form 471 Certification was submitted within the time prescribed"*

The issue in this case boils down simply to this: The Paper Certification was mailed to USAC on March 19, 2012 and March 20, 2012. It was mailed two different ways to assure that the form was received. It was mailed in a group on March 19, 2012, with other Paper Certifications which were received and it was mailed in a single envelope on March 20, 2012. Since the USAC received the group package and processed the other Paper Certifications it contained, the Paper Certification for Team Success School of Excellence #871450 must also have been received. In addition, a second Paper Certification was mailed the next day, March 20, 2012 individually. Below are the details of the submission, the receipts and delivery confirmations are enclosed.

- 1.) This Paper Certification was mailed in bulk with others on March 19, 2012, and USPS states it arrived at USAC in Lawrence, KS at 10:50 AM on March 21, 2012, USPS Tracking Number 7010029000003636487.
- 2.) The Paper Certification was mailed out to USAC. This mailing was sent on March 20, 2012, and USPS states it arrived at USAC in Lawrence, KS at 9:55 AM on March 23, 2012, USPS Tracking Number 7010029000003636524.

These deliver confirmations clearly state that Team Success School of Excellence's Form 471 Paper Certification was received by USAC within the 471-filing window. Proof of postage was supplied to the USAC to support this and is also attached herein. In the denial of the appeal, USAC argues that this certification was not received after the letter dated April 19, 2012. However, when we called we were told that if we sent it the certifications that we can disregard the letter as stated in paragraph three (3) of the same letter. Therefore, we have the documentation that clearly supports this paper certification was received by USAC.



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Given that the status of this form 471 application in this case was based off a misplacement of a received form 471 certification, the Parties respectfully request that the FCC process this Letter of Appeal and move the application status to Certified-Within Window for Team Success School of Excellence. The status of this application will directly result in partial or complete loss of funding based on the misplacement of a Paper Certification and the loss of funds will be a hardship on a school such as Team Success School of Excellence that otherwise should have been within window and continue being processed.

We respectfully request that you overturn the denial and restore full funding of this FRN. Thank you for reviewing this appeal. Please use the contact information below.

Shari D Phillips, E-rate Exchange President, E-rate Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, sdp@erateexchange.com

Sincerely,

A handwritten signature in blue ink that reads "Shari D Phillips". The signature is fluid and cursive.

Ms. Shari D Phillips
E-rate Exchange President

Enclosures:

- Signed Paper Certification
- Paid shipping receipt & Confirmation for Paper Certification USPS Tracking Number 70100290000003636487
- Paid shipping receipt & Confirmation for Paper Certification USPS Tracking Number 70100290000003636524
- List of Paper Certifications sent with Charles Churn Christian Academy #857884
- USAC Out of Window Letter April 19, 2012

USPS 7011 1570 0003 2474 4921



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List of Paper Certifications sent with Laramie County School District 2's

Paid shipping receipt & Confirmation for Paper Certification USPS Tracking Number 70100290000003636487

- Greenburgh Graham Application # 838972
- Scarsdale Application # 842851
- Dobbs Ferry Application # 838988
- Van Alstyne Application # 834221
- Mahopac Application #'s 834625 and 851674
- Matawan-Aberdeen Application # 839488
- Mainland Application # 839800
- Amelia Nottoway Application # 838291
- Lower Alloway Creek Application # 836347
- Bellmawr Application # 824877
- Pennsauken Application # 840105
- Mountainside Application # 836582
- Tecumseh Application # 843697
- Lasalle Academy Application # 838457
- Lawrence Application # 851647
- South Point Application # 839921
- Upper Pittsgrove Application # 839330
- Carter Community Application # 835471
- Logan Application # 836513
- Mansfield Application # 839508
- Essex Fells Application # 830964
- St. Mary's Application # 838557
- North Plainfield Application # 838578
- Morris County Vocational Application #'s 838846 and 838871
- Raymore-Peculiar Application # 838834
- Gateway Regional Application #'s 836142 and 866772
- Woodbury Heights Application # 834048
- Gloucester Township Application # 853906
- Youth for Tomorrow Application # 857588
- Leonia School District Application # 840033
- Gaston Application # 838632
- Harbor Beach Application # 838660
- Lawrence County JVSC Application # 833575
- South Plainfield Application # 838554
- Bradford Application # 838375
- Brooklawn Application #838764
- Vermont Center for the Deaf and Hard of Hearing Application # 842391
- Maywood Application # 839981
- Hoosac Application # 840009
- Kingsway Regional Application # 840030
- Mount Arlington Application # 840103
- Greater Fall River Application # 840240
- Charles Churn Application # 839168
- Laramie County #834646
- Team Success Application #871450
- Charles Churn Application # 857884

**Application
ID:871450**

Do not write in this area.

Entity Number <u>205962</u>	Applicant's Form Identifier <u>12 205962 P2</u>
Contact Person <u>Teirra Howe</u>	Phone Number <u>315-422-7608</u>

Block 6: Certifications and Signature

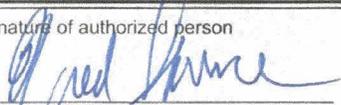
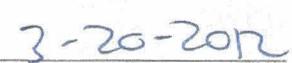
24. I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
 - b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities.
25. I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$35,016.00
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23k on all Block 5 Discount Funding Requests.)	\$31,514.40
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$3,501.60
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$35,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$38,501.60
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.
- Or I certify that no technology plan is required by Commission rules.
27. I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
28. I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection

with this request for services.

- 30. I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tarified or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- 31. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 33. I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- 34. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35. I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1),(2).
- 36. I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- 37. I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person  <hr/> 40. Printed name of authorized person Fred Spence	39. Signature Date  <hr/> 41. Title or position of authorized person CEO/Principal <input type="checkbox"/> Check here if the consultant in Item 6g is the Authorized Person.
42a. Street Address, P.O Box or Route Number 202 13th Ave. East City, State Zip Code Bradenton, FL 34208	
42b. Telephone number of authorized person: (941) 714-7260 , ext. 145	
42c. Fax number of authorized person: (941) 714-7333	
42d. E-mail of authorized person: fcpencesr@verizon.net	
42e Name of authorized person's employer Team Success School of Excellence	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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Universal Service Administrative Company

Schools and Libraries Division

**Notification of Form 471 with No Certification
Funding Year 2012: July 1, 2012 through June 30, 2013**

April 19, 2012

Teirra Howe
Team Success School of Excellence
P.O. Box 451
Syracuse, NY 13206

**RE: Applicant Form Identifier: 12_205962_P2
Form 471 Application Number: 871450**

TAKE ACTION BY: 05/09/2012

This is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received the above referenced FCC Form 471, Description of Services Ordered and Certification Form. As of the date of this letter we have not received the signed Form 471 Block 6 Certifications.

Note that this letter provides the notice required by the Bishop Perry Order (FCC 06-54, released 5/19/2006), for you to submit your complete Form 471 Block 6 Certifications so that they are received by USAC or postmarked by 05/09/2012. If USAC does not have your Form 471 Certifications by that date, your Form 471 referenced above will not be reviewed for possible funding.

Please disregard this letter if you recently submitted your Form 471 Certifications. You can check the status of your application using the Form 471 Application Status tool on our website or by calling our Client Service Bureau at the number below for assistance.

If this Form 471 is a duplicate, please contact our Client Service Bureau at the number below for instructions on cancelling this application.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736, or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

7010 0290 0000 0363 6467

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Return Receipt Fee (Enforcement Required)	\$2.75	Postmark none
Restricted Delivery Fee (Enforcement Required)	\$6.00	
Total Fee	\$14.05	03/19/2012

SLD Forms

Send To: Attn: SLD Form 471
 3833 Greenway Drive
 Lawrence, Kansas 66046
 City, State: 888-203-8100

LAKWOOD RANCH BRANCH
 BRADENTON, Florida
 342119908
 1188290104 -0097
 03/19/2012 (941)758-3537 04:07:25 PM

Product Description	Sales Receipt Sales Qty Unit Price	Final Price
LAWRENCE KS 66046 Zone-6 Priority Mail 1 lb. 13.70 oz.		\$8.75
Expected Delivery: Wed 03/21/12		
Return Rcpt (Green Card) Certified		\$2.35 \$2.95
Label #:	70100290000003636467	
Issue PVI:		\$14.05
Total:		\$14.05
Paid by: AMEX		\$14.05
Account #:	10000000000002002	
Approval #:	540688	
Transaction #:	320	
	23 903576304 4094738077	

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70100290000003636487	 Priority Mail®	Delivered	March 21, 2012, 10:50 am	LAWRENCE, KS 66046	Expected Delivery By: March 21, 2012 Certified Mail™ Return Receipt
		Arrival at Unit	March 21, 2012, 9:25 am	LAWRENCE, KS 66046	
		Depart USPS Sort Facility	March 21, 2012, 2:26 am	KANSAS CITY, KS 66106	
		Dispatched to Sort Facility	March 19, 2012, 5:41 pm	BRADENTON, FL 34211	
		Acceptance	March 19, 2012, 4:05 pm	BRADENTON, FL 34211	

4259 8980 0000 0620 0702

**UNITED STATES POSTAL SERVICE
CERTIFIED MAIL RECEIPT**

LAWRENCE, KANSAS

Postage	\$ 11.10
Certified Fee	12.75
Return Receipt Fee (Enhancement Required)	12.35
Insured Delivery Fee (Enhancement Required)	10.00
Total	\$46.20



SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046

Team Success

LAKESIDE RANCH BRANCH
BRADENTON, Florida
 342119998
 1188280104 -0000
 03/20/2012 (941)758-3637 04:05:25 PM

Product Description	Sale Qty	Unit Price	Final Price
LAWRENCE KS 66044-7026			\$1.10
Zone-6 First-Class			
Large Env			
1.00 oz.			
Expected Delivery: Fri 03/23/12			
Return Rcpt (Green Card)			\$2.35
Certified			\$2.95
Label #:	781002900000036524		
Issue PVI:			\$5.40

Total: \$6.40

Paid by:
AMEX \$6.40
 Account #: X000000000002002
 Approval #: 317154
 Transaction #: 289
 23 903576304 4084738077

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You entered: 7010029000003636524

Status: Delivered

Your item was delivered at 9:55 am on March 23, 2012 in LAWRENCE, KS 66044. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

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