

**Carter County School System
228 South Carol Malone Blvd
Grayson, KY 41143
606 474-6696**

February 21, 2013
Letter of Appeal
FCC

CC Docket No. 02-6

Request for Review

To Whom It May Concern:

Entity & BEN: Carter County Schools--128895

Contact Person: Barrett Bush

Contact Information: 228 South Carol Malone Blvd, Grayson, KY 41143
(606) 474-8693
Barrett.bush@carter.kyschools.us

Service Provider: Windstream Communications, Inc. (SPIN 143030766)

Funding Year: 2012

Application Type & Application Number: Item 21 Attachment; 471 Application # 838595

FRN: 2275158

Appeal Reason: Denied funding due to no Item 21 Attachment submitted

Appeal Explanation:

Carter County has been denied funding on 471 Application #838595, FRN #2275158 due to no Item 21 Attachment submitted. Carter County filed seven (7) 471 Applications with 13 FRNs, all had Item 21 Attachments except 471 Application #838595, FRN #2275158. This was a simple oversight. Carter County received no Item 21 Urgent Reminder Letter or any other notice that would have notified them to submit an Item 21 Attachment by the May 9th deadline. The first notice of this oversight occurred on Thursday, August 16, 2012, when the PIA reviewer called and talked to Mr. Bush's secretary to verify that Mr. Bush had received an email stating

additional documentation was needed to complete several 471 application numbers (ex. Quotes). When his secretary called him to see whether or not he had received this email, Mr. Bush informed her of not receiving any email from the reviewer and had the secretary to return the call to inform the reviewer. Mr. Bush's secretary gave the reviewer Mr. Bush's email address as well as hers. Mr. Bush then received a document from the reviewer on Friday, August 17, 2012. This is the first notice that the applicant received of the missing Item 21 Attachment for FRN 2275158. The applicant was never informed that the Item 21 Attachment for this Funding Request was missing or not filed within the window, until the district was given notice by the PIA reviewer that this single Item 21 Attachment was missing. This notice was well after the deadline for supplying the missing Item 21 Attachment.

The notice is included with this appeal. Also included with this appeal is a copy of Item 21 for FRN 2275158 and a copy of the Item 21 Attachment that was submitted to the PIA reviewer. Examination of both will show the Item 21 Attachment is mostly a restatement of Item 21 of the FRN.

We would like the FCC to reconsider the decision of denied funding of 471 Application # 838595, FRN #2275158. It is the belief of Carter County Schools that the denial of \$179,441.95 of funding is too severe for such an error. Thank you so much for your time and consideration regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Barrett Bush", written in a cursive style.

Barrett Bush, Carter County Schools



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

September 18, 2012

Barrett Bush
CARTER COUNTY SCHOOL DISTRICT
228 S CAROL MALONE BLVD
GRAYSON, KY 41143-1354

Re: Form 471 Application Number: 838595
Billed Entity Number (BEN): 128895
Billed Entity FCC RN: 0004562583
Applicant's Form Identifier: WANUpgrad15

Thank you for your Funding Year 2012 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$179,441.95 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 838595 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2012," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

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

If you wish to appeal a decision in this letter to 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 received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. 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.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: CARTER COUNTY SCHOOL DISTRICT
BEN: 128895
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 838595
Funding Request Number: 2275158
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 23058000600195
SPIN: 143030766
Service Provider Name: Windstream Communications, Inc.
Contract Number: Service Order #1
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2012
Service End Date: N/A
Contract Award Date: 01/15/2007
Contract Expiration Date: 12/02/2015
Shared Worksheet Number: 1411930
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$224,302.44
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$224,302.44
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$0.00 - Item 21 OOW
Funding Commitment Decision Explanation: DR1: This FRN is denied because the Item 21 Attachment was not received on or before the filing deadline. The Item 21 Attachment is an FCC Form 471 Window filing requirement. Your Item 21 Attachment was received after the filing deadline. FCC Forms 471 with Item 21 Attachments that met the FCC Form 471 Window requirements have funding priority over applications received after the filing deadline. Given that funding demand for FCC Forms 471 filed within the window exceeds the amount available for commitment, we cannot consider this FRN for funding.

FCDL Date: 09/18/2012
Wave Number: 011
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

Item 21 Attachment

Applicant Name: CARTER COUNTY SCHOOL DISTRICT

Billed Entity Number: 128895

Form 471 Application Number: 838595

Funding Request Number: 2275158

Service Provider: Windstream Communications, Inc.

Narrative description of this Funding Request: Wide Area Network to 1 GB for 12 locations.

Service Type	Service Description	Eligible Pre-Discount Cost
1 DTS – Fiber Optics	Connection of 12 locations	\$224,302.44

Number of Telecom Lines 12

Recurring Charges		Non Recurring Charges	
Monthly Recurring Charges	\$18,691.87	One-time non-recurring charges	\$0
Less Ineligible Amount (if any)	\$0.00	Less Ineligible Amount (if any)	\$0
Number of Months	12		
Eligible recurring charges	\$224,302.44	Eligible non-recurring charges	\$0
		Line Item TOTAL	\$224302.44