

February 4, 2013

Via Mail

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

Re: Request for Review of Administrator FY 2011 Funding Reduction for Untimely Filed Form 486
CC Docket No. 02-6
Billed Entity Number 16061735
Form 471 Application: 816793 (all associated FRNs)
Form 486 Application: 919230

Dear Secretary Dortch:

New York City Montessori Charter School, with Billed Entity Number 16061735, submits this appeal of its determination on its Form 486. We respectfully request that the FCC overturn USAC's decision and remand such that they revert the service start date of the associated Form 486 Application Number 919230 from 2 May 2012 to 1 July 2011.

Overview and Background

The following points summarize the history of our process with USAC related to the Funding Request:

1. ***We are a new, public school applying for E-rate funds for the first time. We serve the requisite population to qualify for 90% discount eligibility.*** New York City Montessori School is a public charter school located in the Bronx, NY. We opened in the fall of 2011 with grades K-1 and plan to add a grade each year until we are a fully-grown Kindergarten through 5th grade, serving over 300 students. We currently serve a population of 155 students of which 87% qualify for the National School Lunch Program (NSLP). During the funding year in question, we served 105 children, 87% of whom qualified for NSLP.¹

¹ Exhibit 1: March 30, 2012 NYCMCS Appeal to USAC for 20% funding commitment. Please see sub-exhibits E, Q, V and X of that appeal letter.

2. ***We had to appeal our FCDL determination of 20% because the USAC reviewer completed the application for funding before the stated deadline that she gave us.*** We filed a Form 471 on March 24, 2011 seeking a 90% discount on the Priority 1 Internet, telephone, cell phone, and data plans for both tablets and cell phones. Through the Program Integrity Assurance process, we exchanged several items of documentation to demonstrate that we qualified as a public school and that over 75% of our students participate in the National School Lunch Program to qualify for a 90% discount.² The USAC reviewer, Ms. Maria Donawa, provided us with conflicting information as to what information we needed to provide and when it was due, at one point writing that “If you can have the NY state erate coordinator validate that the document you provided is acceptable I will pull the application back. The notification of the discount modification does not have due date.”³ Ultimately, we presumed that we had a deadline of January 31, 2012 to provide documentation that meets USAC’s standards, since that it is the only date she gave us. We then provided the clinching validation from our state E-rate Coordinator on January 29, 2012, after initially requesting this from him on January 20, 2012.⁴

Despite this, Ms. Donawa informed us that same day that she had USAC issue a Funding Commitment Decision Letter at 20% by January 23, and even stated that we had to appeal through USAC.⁵ We appealed on March 30, 2012, and were successful. This appeal is enclosed as Exhibit 1.

3. ***We then received an appeal decision letter that was unclear as to what our next steps were with the Form 486.***⁶ ***We reached out to USAC before the deadline on the original FCDL and received no guidance from USAC as to whether we should wait for the Revised FCDL or file the Form 486. We then decided to wait for fear of being funded at 20%.*** The May 23, 2012 appeal decision letter was received on May 29, 2012, one day before the 120 day Form 486 filing window deadline.⁷ Given our experience with this appeal, we wanted to be sure before filing the Form 486 that doing so within the original FCDL would not result in our services being funded at 20%. Within an hour of receiving the letter, we contacted USAC by phone by calling their (888) 203-8100 hotline for guidance. Anthony, the representative, could not provide any guidance as he did not have access to the letter.⁸ Within 12 hours of receiving the letter, we emailed Mr. Tim Curtin, the administrator who reviewed the appeal, to seek clarification. Noting our concern about missing the deadline, we asked him in unequivocal terms: “Can you advise

² Exhibit 1, sub-exhibits A-V.

³ Exhibit 1, sub-exhibit N.

⁴ Exhibit 1, sub-exhibit X.

⁵ Exhibit 1, sub-exhibit Y.

⁶ Exhibit 3: December 11, 2012 USAC Administrator’s Decision on Appeal.

⁷ Exhibit 2: November 21, 2012 NYCMCS Appeal to USAC for an untimely filed Form 486. Please see sub-exhibit C of that appeal letter.

⁸ Exhibit 2, sub-exhibit D.

4. as to whether I should file the Form 486 today or wait for the RFCDL?”⁹

Mr. Curtin never responded. Please note that we did perform our due diligence before the 120 day filing deadline. With no other representatives to contact, we decided that the best course of action would be to wait for the Revised FCDL, since submitting a Form 486 within 120 days of that letter would result in a higher reimbursement than potentially receiving all of our services at the 20% discount.

5. ***In choosing to wait for the Revised FCDL, we then filed our Form 486 within the 120 Day Deadline of that letter. Our service start date was then modified for being outside the 120 Day Deadline of the original FCDL, as May 2, 2012, and not the July 1, 2011 start date that we had anticipated.*** We filed our Form 486 on August 30, 2012, which would have been within 70 days of the filing deadline on the Revised FCDL that we received on June 22, 2012.¹⁰ On October 2, 2012, to our dismay, we received the Form 486 Notification letter, pushing our service start date to May 2, 2012.
6. ***We then appealed this determination on November 21, 2012.¹¹ USAC denied our appeal on the grounds that on December 11, 2012, stating that in violation of program rules, we did not file within 120 days calculated from the original FCDL date of January 31, 2012, and that we did file even after the July 11, 2012 “Urgent Reminder” letter.¹² As aforementioned, we chose not to file the Form 486 because we received NO clarification as to whether to file on the original FCDL or the revised FCDL.***
7. ***In conducting research on how to write this appeal, we reviewed In re: Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK. Et al., File Nos. SLD-412028, et al., September 14, 2006.*** In that ruling, the FCC created the 15 day extension after the Form 486 120 day deadline to, among other purposes, allow schools like ours to “correct truly unintentional ministerial and clerical errors” or issue reprieve where there existed circumstances beyond a billed entity’s control.¹³ The FCC also directed USAC in that order to develop an outreach and educational efforts during this second window to inform applicants of the application requirements. That ruling also illustrates that when limited waivers of application deadlines can serve the public interest and ensure that eligible schools and libraries get access to E-rate benefits without compromising systems intended to detect fraud, waste and abuse, they can be applied by FCC on a case-by-case-basis.

Summary of our Position

⁹ Exhibit 2, sub-exhibit E.

¹⁰ Exhibit 2, sub-exhibits F-G.

¹¹ See Exhibit 2.

¹² See Exhibit 3.

¹³ ¶¶s 2 and 6.

Our bases for this appeal stem from missteps and lack of clarity on the part of USAC and also the FCC's well-regarded history of considering the public interest when reviewing appeals of late filings:

I. The Missteps on the Part of USAC Created Circumstances Beyond Our Control:

- **A Failure in Customer Service:** The denial of funds based on an untimely filed Form 486 stems from a failure in customer service delivery from both the USAC Help Line *and* the reviewer of the school's initial appeal of its 20% discount determination. Neither had provided us any response as to whether to file the Form 486 before the 120 day deadline or wait for a revised Funding Commitment Decision Letter to file the Form 486.
- **A Failure During the Program Integrity Assurance Process to Follow Its Own Protocols and Deadlines:** *We would never have needed to file any appeals had the Program Integrity Assurance reviewer waited until the deadline she gave us to submit full documentation.* The denial of funds on the untimely Form 486 stems from USAC staff's initial refusal to wait for further documentation that the school was gathering to validate that it is a legitimate public, charter school serving a National School Lunch Program population well over 75%. The staff member did not wait until the deadline she provided the school to submit this information; she funded the school at 20% at least 8 days before that deadline.
- **Lack of Clear Definitions or Guidance:** USAC needed to provide us with answers to one of the following two questions in order to address our concerns and ensure that we follow the correct steps to receiving full funding. It failed to do so:
 - **Is a 20% funding level on an FCDL an approval or denial?** USAC's usage of the term "approved" is inconsistent and unclear between its Funding Commitment Decision Letter and appeal letters. In a case where funding is "approved" at 20% and not at the requested 90%, a school like ours considers that to be a denial of 70% of its funds. Moreover, the appeal decision letter is unclear as to whether to file the Form 486 or wait:

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing Forms 486 is determined based on the data of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RFCDL.

Our case belongs in **both categories**. On one hand, the original FCDL did approve funding in part, by funding us at 20% of our requested 90%, which would necessitate that we file the Form 486 based on the original FCDL deadline. On the other hand, that same FCDL denied us funding of 70% of our requested services, which the letter would advise that we wait until receiving the Revised

FCDL to file the Form 486. *Moreover, had the aforementioned text not appeared in the letter at all, we would have had no concerns about filing our Form 486 within the original deadline.*

- **Will a school be penalized for filing a Form 486 based on its original FCDL while an appeal is taking place?** USAC did not provide any information on its website, did not provide any response to our call, and did not provide a response to our written communications to answer our question: Does filing a timely Form 486 based on an erroneous FCDL affect a school's discount level? In our case, we had no way of knowing or confirming that filing a Form 486 based on a FCDL which funded the school's request at 20% would consequently result in funding at 20%, and not the requested (and subsequently verified) 90% upon appeal. No information was available online. We could only rely on USAC's live support, and neither our call nor email provided us with that information.

2. Waiving the Form 486 Deadline or Reinstating it to July 1, 2011 is Consistent with the Public Interest.

- **We are a new school and new to the E-rate process but yet we are now submitting our third appeal because of error or a procedural issue that could have easily been resolved by USAC.** We opened in the Fall of 2011 and at that time did not have the resources to fully comprehend the program requirements. We relied upon USAC to provide us with answers to our questions as they arose. Our consultant is a former charter school staff member who ensures that our selection process and use of E-rate funds meets program requirements and deadlines. He too has never confronted an issue that required an appeal, including the one at issue here. In our case, he made timely submissions and requested clarifications within USAC's deadlines. Despite our diligence, we are now filing our third appeal for this same Form 471 and are doing so without any experience.
- **We have limited financial resources to serve our population:** We are the first Montessori charter school in New York State, and we serve a high-needs population, with 87% of our students qualifying for NSLP. Unlike district public schools, we must also pay rent and associated overhead for our facilities. This expense hovers around 15-20% of our budget. Between our first and second years, we have also relocated to another building at significant cost and expense so that we could create an ideal school building that our children deserve. To that end, the reimbursements provided under the auspices of the E-rate program are critical to our success and help further the public interest of closing the achievement in the South Bronx, one of the historically underachieving and impoverished areas of New York City.

Conclusion

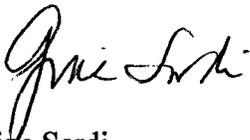
The key issue for review in this appeal is that if USAC had followed the deadline it gave us during Program Integrity, or if they had provided us a definitive answer to our Form 486 queries

within 20 days of when we requested them, our application for Priority 1 services would have been approved and funded without any unnecessary appeals. Instead, we are on our third appeal.

We understand the purpose of the program deadlines and requirements so that USAC can expedite resources to high-needs schools such as our own. We have always fully intended to adhere to them and have not broken any Commission rule. In fact, we contacted USAC almost immediately to secure the correct answers and file all of the required forms (and in this case, the Form 486) in a timely manner. This outreach is evidence of our good faith efforts to comply with all of the program's requirements on time. That USAC did not provide us with that clarity as the administrator of the program should at least be considered an issue beyond our control, and serve as the basis for reinstating our Service Start Date to July 1, 2011 or waiving the FCC Form 486 deadline for this Form 471.

We appreciate your consideration of this appeal. If you have any additional questions or require more documentation concerning our applications, please do not hesitate me at sardi@nycmcs.org or 646.645.9346. Paul Le (paul.le@charterschoolincubator.org and 347.772.8553) assisted us with our applications and appeals, and can also provide additional answers as needed.

Sincerely,



Gina Sardi
Principal

Attachments: Exhibit 1: March 30, 2012 NYCMCS Appeal to USAC for 20% funding commitment and attached exhibits
Exhibit 2: November 21, 2012 NYCMCS Appeal to USAC for an untimely filed Form 486 and attached exhibits
Exhibit 3: December 11, 2012 Administrator's Decision on Appeal

Received & Inspected
FEB 11 2013
FCC Mail Room

new york city
montessori
charter school

Received & Inspected
FEB 11 2013
FCC Mail Room

30 March 2012

Via Email

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

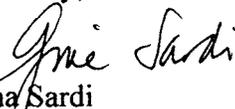
Re: Form 471 Application 816793 for BEN 16061735 (all associated FRNs)

Dear Sir or Madam:

New York City Montessori Charter School, with Billed Entity Number 16061735, submits this appeal of its determination on its Funding Commitment Decision Letter of a discount eligibility of 20%. We respectfully request that USAC fund the associated Form 471 Application 816793 at 90% because the school provided within deadline evidence and validation of its student population at 75% or above free/reduced price lunch. The summary tables and exhibits below provide the required information necessary for this appeal. NYCMCS believes that a quick review of Exhibit X, should suffice to revert the 20% discount eligibility determination to 90%. However, to support the school's application, documentation of all of its documentation during Program Integrity Assurance and an explanation of its position are provided below.

If you have any additional questions or require more documentation concerning our applications, the best point of contact is our E-rate consultant, Paul Le, whose contact information is also posted below.

Sincerely,


Gina Sardi
Principal

Attachments: Contact Information
Appeal Information and Explanation
Exhibits A-Z

new york city

charter school

Required Elements for Appeal

Contact Information	
Appellant/Organization Name	New York City Montessori Charter School
Billed Entity Number	16061735
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 th St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	crate.apps@gmail.com

Appeal Information and Explanation	
Funding Year	2011
Application Number	Form 471 816793
Funding Request Numbers and Service Providers (SPIN)	2220999 – Verizon Wireless (143000677) 2221020 – Broadview Networks Holdings, Inc. (143008617) 2221036 – Cablevision Systems Corporation (143007246) 2221175 – Verizon Wireless (143000677)
Appeal Reason	FCDL Date January 31, 2012 incorrectly funded FRNs at 20% when they should be funded at 90%
Requested Outcome	Reinstate the requested discount percentage to 90%.
Appeal Explanation	<p>The school requests that the discount percentage be reinstated to the original 90% because the New York State Education Department's appointed E-rate Coordinator confirmed the school's eligibility at 90% and the school has submitted documentation supporting that finding.</p> <p>Background The Program Integrity Assurance review was conducted by USAC Associate Manager Maria Donawa. It began on October 20, 2011 with Ms. Donawa's first request for information under PIA. See Exhibits A and B. The school, as represented by Mr. Paul Le, the school's consultant under Letter of Agency dated December 3, 2010, submitted their response to Ms. Donawa's request.</p>

See Exhibits C, D and E.

Argument for Appeal

The basis for the appeal can be seen in the rest of the communications between Ms. Donawa and NYCMCS in Exhibits E through Z. Ms. Donawa rejected all of the school's documentation of free and reduced price lunch eligibility, despite information and evidence showing that a New York state chartered, New York City-based public charter school using the New York City Department of Education's (NYCDOE) food service is 1) not allowed to use free/reduced lunch forms from the state because 2) the NYCDOE free/reduced lunch forms act as New York State's official documentation and 3) in New York City, the school must also accept poverty determinations from other city agencies like the New York City Department of Human Resources Administration. All of that information is recorded into a central New York City schools database and in effect is the most accurate, verified report of students participating in the NSLP, as shown in Exhibits D, E, K, Q, R and V.

Despite those rejections, Ms. Donawa did request that NYCMCS validate its data with the State's E-rate Coordinator, Win Himsworth. See Exhibit A. However, in a span of three days, Ms. Donawa gave NYCMCS unclear deadlines to provide this validation: until January 31, 2012 (Exhibits G/H) and then no deadline at all (Exhibits I, J and M) to provide the documentation needed to move the Form 471 Application to funding stage.

Operating under the assumption that the school had at least until January 31, 2012 to provide the requested validation from Mr. Himsworth, NYCMCS made those requests for validation on at least three occasions on January 20, 23, and 28, 2012. See Exhibits K, O and W. As shown in Exhibit X, he then responded to verify the same data than what NYCMCS provided originally on November 4, 2011 (Exhibits D/E) and again, in supplemental form on January 24, 2012 (Exhibits Q/R).

Despite providing a deadline of at least January 31, 2012, Ms. Donawa pushed before January 29, 2012 NYCMCS's Priority I application into Wave 32, funding the school's application at 20%, and then stated that the school should appeal (See Exhibit Y), even though it had provided documentation and validation all along, and well within deadline, of its status as a school with a free/reduced price lunch population above 75%.

To this end, NYCMCS respectfully requests that the Form 471 Application Number 816793, representing FRN #s 2220999, 2221020, 2221036, and 2221175 be funded at 90%, not 20%.

Point I. The school received confirmation from New York State's E-rate Coordinator that the school met the requirements for a 90% discount before USAC's deadline to submit documentation.

In the below chronology of email communications and as attached in the table of exhibits, New York City Montessori Charter School (hereinafter NYCMCS) submitted documentation and validation that the school's free/reduced price lunch population was above 75% *before* USAC's PIA deadline of January 31, 2012. We submit that this alone should allow the FCDL to be reissued at 90%.

Explanation

In an email dated January 16, 2012, below as Exhibits G and H, Ms. Donawa attached a letter providing a deadline of January 31, 2012. In another email that same day, Ms. Donawa for the first time stated that NYCMCS can have the state E-rate Coordinator validate the NSLP documentation that the school provided. See Exhibit F.

Three days later on January 19, before NYCMCS could respond with additional documentation, Ms. Donawa sent a determination letter (Exhibits I and J) of a 20% discount eligibility. In response to Mr. Le's email requesting a call for clarification (Exhibit M), she stated that same day that there was no deadline to provide updated information at all. In her words, "If you can have the NY state erate coordinator validate that the document you provided is acceptable I will pull the application back. The notification of the discount modification does not have due date." See Exhibit N. The understanding then is that NYCMCS had at least until January 31, 2012 to supply Ms. Donawa with either documentation acceptable to her or the validation from the state E-rate Coordinator.

On January 20, 2012, in response to Ms. Donawa's determination letter, Mr. Le had done both. He responded by challenging the determination and also requesting that the E-rate Coordinator validate the documentation provided. See Exhibit K and E. Mr. Le then sent two additional requests for validation on January 23 (Exhibit O) and 28 (Exhibit W), and also informed Ms. Donawa on January 20 (Exhibit K, via carbon copy), January 23 (Exhibit N), and January 24 (Exhibit T) that he had done so. Ms. Donawa, even though she had the Coordinator's email address herself (Exhibit A), could not even wait 24 hours for a response from Mr. Himsworth (see Exhibit P), even though there were seven days left for him to respond.

NYCMCS then again produced on January 24 other meal claim forms that it uses to secure reimbursement for students eligible for free/reduced price lunch. See Exhibits Q and R.

Despite the request for validation, Ms. Donawa submitted the school's Form 471 for a FCDL in Wave 32 no later than January 29, 2012 *before* providing the State's E-rate Coordinator the opportunity to respond by her posted deadline of January 31, 2012.

Conclusion

NYCMCS submitted all required information on time, and submitted the requested validation from Mr. Himsworth before the January 31, 2012

deadline. Moreover, none of the documentation that the school provided ever contradicted a discount eligibility determination of 90%. To that end, the school requests that the FCDL dated January 31, 2012 be adjusted accordingly to 90% for all associated FRNs

Point II. The school provided valid documentation of a 90% discount eligibility, given local and state constraints on charter schools authorized by the state, but operating in New York City.

Background

Ms. Donawa rejected all of the school's documentation supporting a 90% discount eligibility and was not flexible to understand the complicated nature of a New York City-based public charter school authorized by New York State to provide documentation of its eligibility. The documentation meets FCC and USAC requirements to determine eligibility.

Explanation

To determine eligibility at the time of posting its Form 471, the school posted accurately that it had no students but did qualify at 90%. Per New York State Law, as seen here at <http://www.p12.nysed.gov/psc/article56.html> under §2854(2)(b), a charter school "shall enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building." This deadline is always *after* the Form 471 deadline. As such, until such time as the school opens and can provide *actual* NSLP eligibility of its *enrolled students*, the only way for any New York state charter school to provide information on upcoming enrollment is to collect data from existing sources, as described in <http://usac.org/sl/applicants/step05/alternative-discount-mechanisms.aspx>.

As explained in Exhibit K, NYCMCS did just that. It relied on the School Demographics and Accountability Snapshot for Community District 7 that is provided by the New York City Department of Education. That snapshot tallies the *actual* number of all students in each school of that district, and reports such data as their NSLP eligibility as collected by the NSLP form that the New York City Department of Education requires that schools participating in the Department's lunch program administer each year in September. To that end, NYCMCS tallied the number of prospective K and 1 students and their actual NSLP eligibility and made a determination of at least 75% of its students were eligible.

Once the school has opened, if a charter school utilizes the New York City Department of Education Food Service (as seen on page 4 of <http://www.opt-osfns.org/osfns/meals/MealEligibility.2011-2012%20List%20of%20Charter%20Schools%20in%20DOE%20Foodservice%20Program.pdf>), it is required to use the Department's NSLP application, found here: http://www.opt-osfns.org/osfns/Mealsapp/forms_reduced.aspx. That application is processed by the Department and not by the school, and those forms are scanned and retained at Department offices, as illustrated here

<http://www.opt-osfns.org/osfns/meals/default.aspx> and here: <http://www.opt-osfns.org/osfns/Mealsapp/ApplicationScanning/2011-2011InstructionstoSubmitApplicationsforScanning.pdf>. To determine every student's eligibility, all New York City schools (public and charter) must log onto a database called Automate The Schools (ATS). ATS coordinates data among all of the city's agencies, including Department of Health, Department of Homeless Services, and the Human Resources Administration (Medicaid, TANF, Food Stamp eligibility), and reports it for accountability to the state level. Please see page 29-30 of the attached manual here: <http://www.p12.nysed.gov/sedcar/archived/0708documentation/UsersManual.doc> or page 7 of the report guide here: http://www.p12.nysed.gov/irs/level2reports/SIRS_310_201011-AnnRegentsCompetencyL2RPT.pdf. Both guides illustrate that *demographic* data, which is used for state reports is generated from city collection sources that post in ATS.

Given these constraints, NYCMCS provided in Exhibit E a redacted printout of its ATS report showing which students qualified for NSLP from the survey forms (code 1 and 2). That report also includes students coded as "A" or who are automatically eligible for NSLP based on income eligibility guidelines that the state has established under Medicaid or food stamp eligibility. Furthermore, NYCMCS provided to Ms. Donawa in Exhibit R meal claim forms providing data of the same proportion of students qualifying for NSLP.

As such, unlike other schools in other states or even public schools outside of New York City, city-based charter schools and public schools like NYCMCS using NYCDOE Food Services are listed as schools *under the NYC Chancellor's Office* when reporting meal claim reimbursements at the state level. See Exhibit X, where Mr. Himsworth verifies this fact. They will never have NSLP survey forms and will never have NSLP meal claim reimbursement forms with New York State Department of Education on the letterhead because the NYCDOE acts as a proxy for all schools receiving its services.

Conclusion

Whether during at the time of application for the Form 471 or during Program Integrity Assurance, NYCMCS provided the requisite documentation to determine its discount eligibility. Given the constraints of New York State regulations and New York City administration for public and charter schools using New York City Department of Education food services, NYCMCS provided the actual numbers of NSLP eligible students on its roster, and that number was above 75%. This documentation was then validated by the State's E-rate Coordinator well within the timeframes set by Ms. Donawa. To that end, the school requests that the FCDL dated January 31, 2012 be adjusted accordingly to 90% for all associated FRNs

Table of Exhibits		
#	Exhibit	Importance
A	10 October 2011 Donawa Email to Le	First PIA for discount eligibility; deadline of 4 November 2011 given
B	10 October 2011 Donawa Email Attachment to Le	First PIA for discount eligibility; Exhibit encloses the letter attachment to above Exhibit A
C	3 December 2010 Letter of Agency	Signed letter of agency by School Principal directing Paul Le to coordinate E-rate application on NYCMCS's behalf
D	4 November 2011	Response email to PIA, Exhibit A
E	4 November 2011	Attachment to Exhibit D: it encloses the school's explanation for its discount determination of 90% and also provides free/reduced price lunch information (NSLP) that pulls in data
F	16 January 2012 Donawa Email to Le	Ms. Donawa requests forwarding the lunch claim forms and free/reduced price lunch meal eligibility counts to the state E-rate coordinator for validation.
G	16 January 2012 Donawa Email to Le	Request for additional information for discount eligibility
H	16 January 2012 Donawa Email Attachment to Le	Ms. Donawa sends request for discount eligibility determination, with a deadline of January 31, 2012
I	19 January 2012 Donawa Email to Le	20% funding determination letter is attached.
J	19 January 2012 Donawa Email Attachment to Le	Ms. Donawa sends a 20% discount eligibility determination letter, three days after giving a deadline of January 31, 2012 to provide additional documentation. The attached letter provides an opportunity to submit additional supporting documentation to show the school is a 90% discount eligible school
K	20 January 2012 Le Email to Donawa	NYCMCS emails Ms. Donawa that challenges 20% determination and provides additional documentation and support stating that state documentation will never be available for a NYC based charter school using NYCDOE food services. The letter also illustrates that for a charter school that would open its doors in Fall 2011, using data from existing sources of its planned district of location is permissible to calculate the free/reduced price lunch population. See USAC's website that describes this alternative: http://usac.org/sl/applicants/step05/alternative-discount-mechanisms.aspx . In this vein, the school relied on a spreadsheet generated by the NYC Department of Education that tallied the <i>actual</i> number of students from each school within Community School District 7 and <i>included</i> the free/reduced lunch status as determined by the national free/reduced price lunch application used by all

		New York City public schools. The same email requests the NYS E-rate Coordinator to validate the discount percentage.
L	23 January 2012 Le Email to Donawa	NYCMCS emails Ms. Donawa requesting conversation via phone to discuss discount eligibility determination
M	23 January 2012 Donawa Email to Le	Ms. Donawa emails NYCMCS stating that with the January 19 th letter, there is no deadline to provide the validation of the school's documents.
N	23 January 2012 Le Email to Donawa	NYCMCS informs Ms. Donawa that the state E-rate coordinator has been informed and requests guidance on additional documentation necessary to establish 90% discount eligibility.
O	23 January 2012 Le Email to Himsworth	NYCMCS requests validation a second time from the state E-rate coordinator
P	24 January 2012 Donawa Email to Le	Less than 24 hours after emailing Ms. Donawa that the state E-rate coordinator has been requested to validate the information, Ms. Donawa emails to inform that she has not received any response. She also does not provide any additional guidance for the additional documentation.
Q	24 January 2012 Le Email to Donawa	NYCMCS provides meal claim form documentation
R	24 January 2012 Le Email Attachment to Donawa	NYCMCS provides additional meal claim forms that the school submits to the city agency that handles free/reduced price lunch reimbursement. It is the <i>only</i> mechanism that the school can use to request reimbursement for students qualifying for free/reduced price lunch under the NSLP.
S	24 January 2012 Donawa Email to Le	Ms. Donawa states the documentation is not acceptable, with no guidelines.
T	24 January 2012 Le Email to Donawa	NYCMCS informs Ms. Donawa again that the school has been reaching out to Mr. Himsworth to secure validation of its documentation. The school also provides an explanation as to how the meal claim form fits the requirements stated under Option 1 and Option 2 from the original PIA request in Exhibit B.
U	24 January 2012 Donawa Email to Le	Ms. Donawa states the documentation was rejected because it was not from the New York State Department of Education. This documentation is the only means of reimbursement claim available to the school, given that it is based in New York City and uses New York City Department of Education food service.
V	28 January 2012 Le Email to Donawa	NYCMCS provides the LEA code that Ms. Donawa requests in Exhibit U.
W	28 January 2012 Le Email to Himsworth	NYCMCS sends a third email requesting validation of its meal forms and poverty data.
X	29 January 2012 Himsworth Email to Donawa	The State E-rate Coordinator validates the data before the January 31, 2012 deadline, and states that as noted in all communications, that NYCMCS is a school operating

		under the NYC Chancellor's Office, aka as the New York City Department of Education.
Y	29 January 2012 Donawa Email to Le	Ms. Donawa informs NYCMCS that the application was already put in the wave, presumably at 20%
Z	29 January 2012 Le Email to Donawa	NYCMCS emails Donawa seeking clarification of the deadlines that she had set, and requesting that the application be pulled.
	31 January 2012 USAC FCDL	Deadline that Ms. Donawa provided to receive either validation or documentation of the school's discount eligibility. Instead, this date is the issue date for the FCDL approving Priority 1 services at 20%.

Received & Inspected

FEB 11 2013

FCC Mail Room

From: "Donawa, Maria" <MDONAWA@sl.universalservice.org>
Subject: ERate App# 816793
Date: October 20, 2011 12:57:14 PM EDT
To: "Paul Le@1--" <IMCEAFAX-Paul+20Le+401--@nsi.pr>
Cc: <erate apps@gmail.com>

1 Attachment: 210 KB

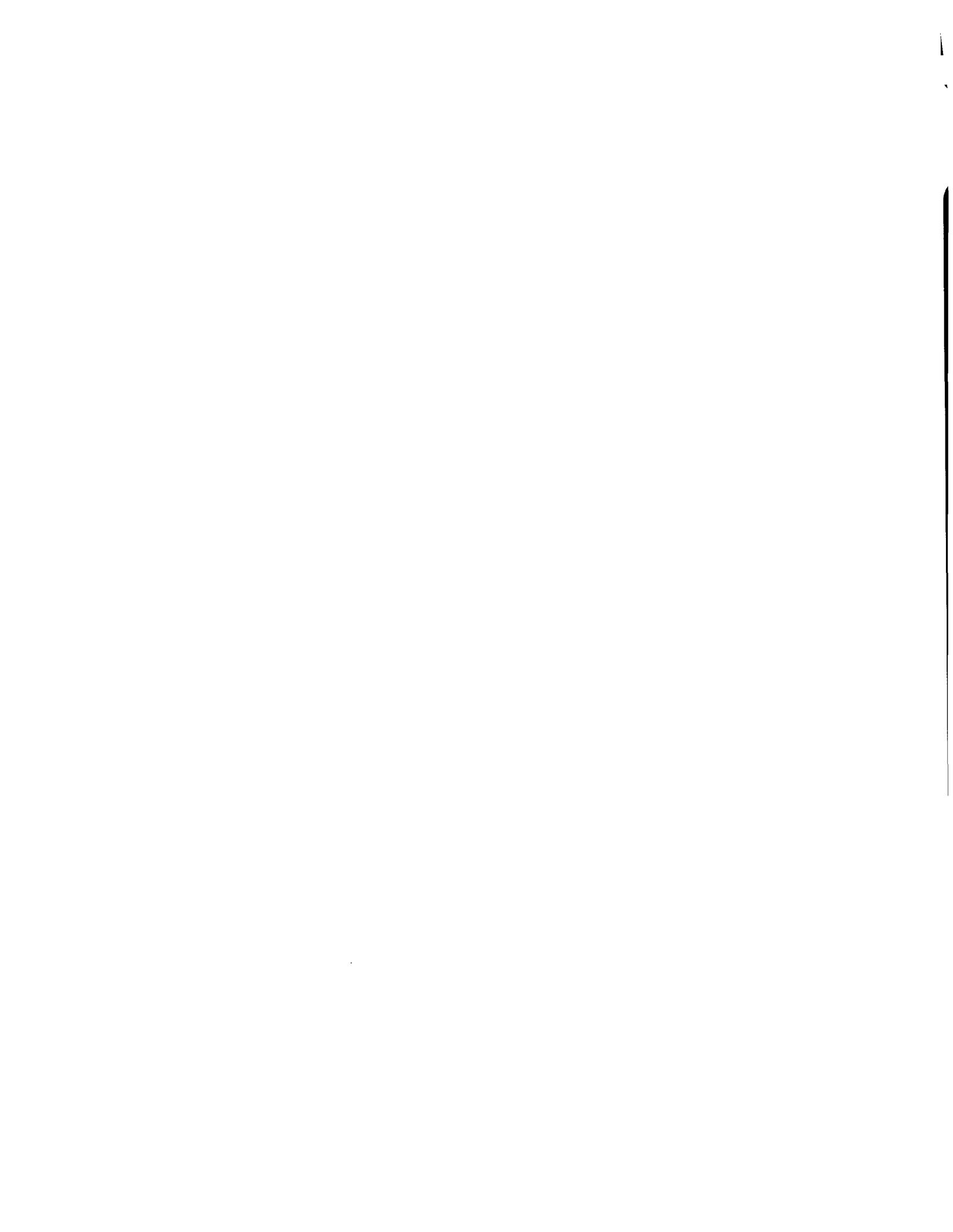
Please see the attached. Due date is 4 November

Thank you for your cooperation and continued support of the Universal Service Program

Maria Donawa
Associate Manager, PIA

mdonawa@sl.universalservice.org

Confidentiality Notice: *The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is **STRICTLY PROHIBITED**. If you have received this e-mail in error, please immediately notify the sender via return e-mail, delete this e-mail and all attachments from your e-mail system and your computer system and network, and destroy any paper copies you may have in your possession. Thank you for your cooperation.*



Received & Inspected

FEB 11 2013

FCC Mall Room



UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

Schools and Libraries Division

Oct 20, 2011

Paul Le
NEW YORK CITY MONTESSORI CHARTER
SCHOOL

Telephone: (347) 7728553

Application Number 816793

Response Due Date: 4 November 2011

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2011 Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2011 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

- I. Based on our review of your FY 2011 Form 471 application 816793, on FRN 2221175, you Please provide documentation (**quote, contract invoice**) to support the total amount requested on the FRN. If you do not have documentation that supports the total amount requested, please explain the difference between the amount you requested on the FRN and the amount shown on the documentation you originally provided.

Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request. If you are requesting additional dollars to accommodate expected growth or increased usage, please indicate how you estimated this amount. Please also provide any relevant documentation that you used when determining the estimate for expected growth or increased usage.

- Please note that any supporting documentation you submit must be date on or before the close of the Form 471 filing window of the related fund year in order for USAC to consider it

If you are unable to justify the charges requested on your Form 471, the request may be reduced.

- II Based upon review of your FY 2011 Form 471 application and/or the documentation you provided, we were not able to determine the eligibility of New York City MONTESSORI CHARTER SCHOOL. In order to be eligible to receive discounted services, per the rules of this program, schools must meet the statutory definition of an elementary or a secondary school found in the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801 (18) and (38)) and they must not be operating as for-profit

businesses, and may not have an endowment exceeding \$50 million. Please provide documentation that will verify that the entity meets the definition provided above. For further information please refer to USAC web site- Step1: Eligibility www.usac.org/sl/applicants/step01/eligibility-requirements.aspx.

- III. Based upon review of your FY2011 Form 471 application, we were not able to validate your requested discount percentage of 90% for New York City MONTESSORI CHARTER SCHOOL. In order to validate this discount percentage, please provide the appropriate documentation as described in the options listed below. This documentation must be dated on or before the close of the Form 471 application window in order for USAC to consider it.

Option 1. If the school participates in the National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity
 - 1.
 2. If the school district fills out an aggregate claim form for the school, please provide a signed letter on school letterhead from a school official (preferably the Superintendent or other chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information that appears on the claim form.

Option 2. If the discount percentage was determined by information obtained from an income survey or application (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled at the school
- b. Total number of surveys/applications sent out
- c. Total number of surveys/applications returned
- d. Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- e. Are the surveys/applications and results kept on file? Yes No
 - a. If so, for how long are they kept on file?

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.**

With your response, please also include a signed certification that reads: "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5, Item 9a, of Block 4 of my FY2011 the Form 471application."

Option 3. (non-public schools): If the discount percentage was determined by information obtained from a financial aid form, please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent, or chief school official):

- a. Total number of students enrolled
- b. A statement that confirms "all students have access to financial aid forms
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of students who meet the NSLP Income Guidelines
- e. A statement that confirms the number and percentage of eligible students that supports the requested E-Rate discount level
- f. A statement that confirms the school keeps all completed financial aid application on file.

The school must submit one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the fund year window close.

A signed certification that reads: "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a, of Block 4 of the Form 471 "

Option 4: Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) verifying that the total student enrollment and the free and reduced figures you provided are accurate.

Option 5: Provide a letter from your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying the total student enrollment and the free and reduced figures you provided are accurate.

Option 6: If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the survey method that was used and provide all relevant data , forms, or other tools that were used during the survey process.

Please fax or email the requested information to my attention. . If you have any questions or if you require a further explanation of this request, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual

Thank you for your cooperation and continued support of the Universal Service Program

Maria Donawa
Associate Manager, PIA

Customer Service, Business Development
1000 University Ave, Suite 1000
St. Louis, MO 63102

mdonawa@sl.universalservice.org

Received & Inspected

FEB 11 2013

Letter of Agency
Funding Year 2011

FCC Mail Room

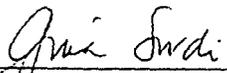
The undersigned appoints Paul Le to serve as our agent on all federal E-Rate program ("E-Rate") matters for the Funding Year 2011 effective December 3, 2010.

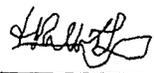
Paul Le shall serve as our agent on Funding Year 2011 applications for all E-Rate eligible services and equipment. He is authorized to perform all activities set forth in USAC Administrative Procedures for E-Rate, including but not limited to: the authority to file and sign, in the name of and on behalf of the undersigned; all required E-Rate applications on our behalf, e.g., Forms 470, 471, 472, 486, and 500; and any required appeals, extensions or any other relevant documentation.

Please contact Paul Le directly on all matters related to the documentation and filing of Funding Year 2011 E-Rate applications. His contact information is erate.apps@gmail.com and (347) 772-8553.

This authorization shall remain in effect until otherwise notified in writing or expiration of the term as set forth above.

School: New York City Montessori Charter School

Signature:  Date: Dec. 3, 2010
Name: Gina Sardi
Title: Principal

Agent:
Signature:  Date: December 3, 2010
Name: Paul Le
Title: Consultant (E-Rate)