Administrator's Decision on Appeal – Funding Year 2012-2013

January 29, 2013

Kimberly Friends
Kimberly Friends
3130-c Inland Empire Blvd
Ontario, CA 91764

Re:	Applicant Name:	TUSTIN UNIF SCHOOL DISTRICT
	Billed Entity Number:	143782
	Form 471 Application Number:	824322
	Funding Request Number(s):	2360707, 2365620, 1 Unassigned
	Your Correspondence Dated:	October 05, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):	2360707, 2365620, 1 Unassigned
Decision on Appeal:	**Denied**

Explanation:

- The Block 4 changes/corrections requested with your appeal letter was/were not implemented because your request for Block 4 changes/corrections was received after the associated FCC Form 471 was committed and as such could not be processed. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. *See* Request for

Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. *See* www.usac.org/sl.

- You filed an FCC Form 471 seeking funding for Internal Connections. You indicated on your FCC Form 471 that your discount eligibility is [insert percentage]%. Your discount level is determined by the discount matrix. For Funding Year 2012, there are not sufficient funds to provide Priority Two discounts to applicants at your discount rate. Consequently, USAC denies your appeal.

- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for Telecommunications Services and Internet Access. *See* 47 C.F.R. sec. 54.507(g)(1)(i). FCC rules further require that requests for Internal Connections be given second priority and be funded only if funds remain after support has been reserved for Telecommunications and Internet Access through all discount levels in a funding year. *See* 47 C.F.R. sec. 54.507(g)(1)(ii). For schools and libraries that create consortia for the purposes of making funding requests and sharing products and/or services, the discount level is calculated by averaging the applicable discounts of the schools and libraries that are members of the consortia. *See* 47 C.F.R. sec. 54.505(b)(4). Because discount levels for consortia are determined in this manner, the discount levels for shared products and/or services requests are single discount level percentages rather than the broad discount level percentages for individual schools and libraries as determined by the matrix. *See* Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, Fifth Order on Reconsideration in CC Docket No. 97-21, Eleventh Order on Reconsideration in CC Docket No. 96-45 and Further Notice of Proposed Rulemaking, 14 FCC Rcd 6033, FCC 99-49 (rel. May 28, 1999). Where demand for discounts for Internal Connections exceeds available support, FCC Rules require that funding be allocated to the most economically disadvantaged schools and libraries as determined by the matrix. *See* 47 C.F.R. secs. 54.505(c), 54.507(g)(1)(ii). Consequently, where demand for discounts for Internal Connections exceeds available support, FCC rules require that funding be awarded first to applicants eligible for a 90 percent discount level and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. sec. 54.507(g)(1)(iii).

- During appeal review of your Form 471 you requested that a new funding request be added to your application. Program procedures allow applicants to amend their applications and correct ministerial and clerical errors on their FCC Forms (including adding a funding request) until an FCDL is issued. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.

- Your appeal requests additional funds that were not included in the FCC Form 471 that you are appealing. FCC rules require that funding requests must be submitted via an FCC Form 471. *See* 47 C.F.R. sec. 54.504(a). Considerations for funding requests depend on the date the FCC Form 471 is received and the amount of funds available if it is received after the close of the filing window. *See* 47 C.F.R. sec. 54.507(g)(1)(i)-(v). The FCC directed USAC to allow applicants to amend their forms to correct clerical and ministerial errors on their FCC Forms 470, FCC Form 471 applications, or associated documentation until an FCDL is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. *See* In the Matter of Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with 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 or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

USAC
Universal Service Administrative Company

Schools and Libraries Division

Recovery Paid in Full Acknowledgement
(Funding Year 2010: July 1, 2010 - June 30, 2011)

February 1, 2013

Larry Cusack
Apple Valley Communications, Inc.
21845 Highway 18
PO Box 787
Apple Valley, CA 92307

Re: Form 471 Application Number:	**723186**
FRN:	**2021469**
Total Amount of Recovery:	**$30,758.34**

The Universal Service Administrative Company (USAC) acknowledges that the full fund recovery amount has been repaid for the Funding Request Number (FRN) cited above.

Thank you for your cooperation in satisfying this fund repayment obligation.

At this time, no further action is required. Please retain this letter with your E-rate documentation.

Schools and Libraries Division
Universal Service Administrative Company

CC: *Cathy Benham*
VICTOR VALLEY UN H S DISTRICT