

MAY 20 2013

FCC Mail Room



Atlantic City Schools
 Donna L. Haye, Superintendent
 1300 Atlantic Avenue
 Atlantic City, NJ 08401
 609-343-7200 x 5681
 Fax: 609-344-3661

Marilyn M. Cohen
 Supervisor of
 Technology

May 13, 2013

Letter of Appeal
 Marlene H. Dortch, Secretary
 FCC, Office of the Secretary
 445 12th Street SW
 Washington, DC 20554

Re: ATLANTIC CITY BoE-ADMIN
 Billed Entity Number: 123420
 Funding Year: 2010 (07/1/2010 - 06/30/2011)
 471 Application Number: 745229
 Funding Request Number: 2014074
 CC Docket No. 02-6

We wish to appeal the decision on the USAC Administrator's Decision on Appeal, dated March 14, 2013.

The reason provided for the denial for FRN 2014074 was that the Delivery Extension request was received after the FCC deadline for Implementation Deadline requests, which was 9/30/2012.

We disagree. There are several elements at play here that USAC did not consider in our request nor our appeal. In fact USAC may have contributed to some of the challenges we experienced.

Our funding requests had been on hold for 6 years and then funded all at once. This required us to process reimbursements, implement projects that were on hold, and seek reimbursements for over 200 FRNs simultaneously. This included seeking "good Samaritans" to process FRNs for service providers who were no longer in business and numerous SPIN changes, for service providers purchased by other companies.

Our efforts also included filing many extensions, in order to assure that we were able to collect what was needed in order to submit our reimbursements. We also needed extensions in order to buffer the time imposed by waiting for SPIN change decisions. We also needed extensions to move into play projects that were on hold. Those results were somewhat mixed, requiring us to file several appeals. What seemed to impact us mostly was the loss of extension and SPIN change requests that were faxed to the SLD more than once. In our appeal to USAC, we indicated the problem with lost faxes. We provided several case numbers relating to follow up calls to the Client Service Bureau (CSB) about the requests and were told to simply refax. We had to contact the CSB repeatedly to assure ourselves that material had been received. Even those results were mixed, as several times they could not find the document then "found" it later or, if the call included inquiries about several FRNs, the service person only recorded a single of the FRNs in the record. It was highly frustrating.

No. of Copies rec'd 0
 List ABCDE

In our appeal to USAC, we also directed their attention to the original denial letter that indicated that they had received our correspondence dated September 27, 2012 but were denying it because it came after September 30, 2012. If it was received on the 27th, how could it be late?

Lastly, we indicated the approvals of several other requests that were faxed with this FRN on September 27, 2012.

The extension request for this FRN, was originally faxed to USAC on September 27, 2012, along with four other extension requests (FRNs 1713556, 2014085, 2014105, and 2014114). On a call to the Client Service Bureau, while again chasing down a number of faxes that SLD states they never received, we found that these requests had not been received either. We were simply told to re-fax them, which we did on October 25, 2012. We called back for a status on December 10, 2012, Case #22-443495, and were informed it was in process.

Since then, we have seen that FRN 2014114 was extended but we are awaiting a SPIN change, and FRNs 2014085 and 2014105 had their funds dispersed, but FRN 1713556 (application #6129919), also awaiting a SPIN change, along with FRN 2014074 (application #745229), were denied.

Interestingly enough, the denial letter refers to our correspondence dated September 27, 2012 yet denies the request stating that it was received after 09/30/2012. In addition, September 27, 2012 is the date we originally faxed all five requests.

Apparently, SLD was in receipt of both the original 09/27/2012 fax as well as our 10/25/2012 refax. Since the January 2nd letter confirms our fax of 09/27/2012 yet denies the request stating that it was received later, we feel that several errors have come about, including the "loss" of faxes and this premature denial, which should underscore our request to reconsider and reverse this denial.

Since the requests were received on September 27, 2012, three days prior to any deadline, none of the FRNs included in that Implementation Extension Request should have been denied. We therefore respectfully request that the decision to deny the Implementation Extension Request for FRN 2014074 be reversed to "Approved".

Sincerely,



Marilyn Cohen
Supervisor of Technology
Atlantic City Board of Education
mcohen@acboe.org

Attachments:

1. Administrators Decision on Implementation Extension Request (January 2, 2013)
2. Five Service Delivery Extension Requests faxed on September 27, 2012
3. Appeal to USAC (February 13, 2013)
4. Administrator's Decision on Appeal (March 14, 2013)

MAY 20 2013

FCC Mail Room



Schools and Libraries Division

Administrator's Decision on Implementation Extension Request

January 2, 2013

Martin Friedman
Alemar Consulting
442 Lyndhurst Drive
Broomall, PA 19008

Re: Atlantic City BVE - Admin

471 Application Number:	745229
Funding Request Number(s):	2014074, 2014105
Your Correspondence Dated:	<u>September 27, 2012</u>

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 implementation extension request. 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 request included more than one Form 471 Application, please note that for each application you will receive a separate determination letter.

Decision on Appeal: **Denied**

Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/12.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, 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 e-mail 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 decision letter and the decision you are appealing:

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

- Applicant or Service Provider name,
 - BEN and/or SPIN,
 - Form 471 and FRN,
 - Invoice number as assigned by SLD,
 - "Administrator's Decision on Implementation Extension Request" dated 01/04/2013
AND
 - The exact text of 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.
 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, send 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

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (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 web site. 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.

Schools and Libraries Division
Universal Service Administrative Company

CC: Vince Pollitto, Empire Technologies, L.L.C.

Received & Inspected

MAY 20 2013

FCC Mail Room

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014074

Service provider name: Interactive Digital Solutions, LLC

Service Provider Identification Number (SPIN): 143027748

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

MAY 20 2013

FCC Mail Room

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 612919

Funding Request Number (FRN): 1713556

Service provider name: Empire Technologies, L.L.C.

Service Provider Identification Number (SPIN): 143017142

Reason for service delivery deadline extension request: Awaiting approval of SPIN Change Request

MAY 20 2013

FCC Mail Room

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014105

Service provider name: ProMedia Technology Services, Inc.

Service Provider Identification Number (SPIN): 143004851

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

MAY 20 2013

FCC Mail Room

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014085

Service provider name: ProMedia Technology Services, Inc.

Service Provider Identification Number (SPIN): 143004851

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project.

9/30

Jo. 1/28

Received & Inspected

MAY 20 2013

FCC Mail Room

Service Delivery Deadline Extension Request

September 27, 2012

Contact person name: Marilyn Cohen

Contact information: ATLANTIC CITY BOARD OF EDUCATION
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401
(609) 343-7200 x5681
(609) 344-3661 (Fax)
mcohen@acboe.org

Form 471 Application Number: 745229

Funding Request Number (FRN): 2014114

Service provider name: Empire Technologies, L.L.C.

Service Provider Identification Number (SPIN): 143017142

Reason for service delivery deadline extension request: Renovations of building are not complete enough to finish this project; Awaiting SPIN change approval.

- 9/30/2013

- 1/28/2014

MAY 20 2013

FCC Mail Room



Atlantic City Schools
Donna L. Haye, Superintendent
1300 Atlantic Avenue
Atlantic City, NJ 08401

Marilyn M. Cohen
Supervisor of
Technology
609-343-7200 x 5059
Fax: 609-344-3661

February 13, 2013

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 68
Parsippany, NJ 07054-0685

Re: ATLANTIC CITY BoE-ADMIN
Billed Entity Number: 123420
Funding Year: 2010 (07/1/2010 - 06/30/2011)
471 Application Number: 745229
Funding Request Number: 2014074

We wish to appeal the decisions on the Administrator's Decision on Implementation Extension Request, dated January 2, 2013.

The explanation for the denial of FRN 2014074 was provided as, "*Request received after the FCC deadline for implementation Deadline requests which was 9/30/2012.*"

This extension request was originally faxed to USAC on September 27, 2012, along with four other extension requests (FRNs 1713556, 2014085, 2014105, and 2014114). On a call to the Client Service Bureau, while again chasing down a number of faxes that SLD states they never received, we found that these requests had not been received either. We were simply told to re-fax them, which we did on October 25, 2012.

We called back to look into the status on December 10, 2012, Case #22-443495, and were informed it was in process.

Since then, we have seen that FRN 2014114 was extended but we are awaiting a SPIN change, and FRNs 2014085 and 2014105 had their funds dispersed, but FRN 1713556 (application #6129919), also awaiting a SPIN change, along with FRN 2014074 (application #745229), were denied.

Interestingly enough, the denial letter refers to our correspondence dated September 27, 2012 yet denies the request stating that it was received after 09/30/2012. In addition, this is exactly the date we originally faxed all five requests. The denial letter for FRN 1713556, dated January 4, 2013, refers to correspondence dated October 25, 2012, the date we faxed the documents over the second time.



Atlantic City Schools
Donna L. Haye, Superintendent
1300 Atlantic Avenue
Atlantic City, NJ 08401

Marilyn M. Cohen
Supervisor of
Technology
609-343-7200 x 5059
Fax: 609-344-3661

Received & inspected

MAY 20 2013

FCC Mail Room

Apparently, SLD was in receipt of both original 09/27/2012 fax as well as our 10/25/2012 refax. Since the January 2nd letter confirms our fax of 09/27/2012 yet denies the request stating that it was received later, we feel that several errors have come about, including the "loss" of faxes and this premature denial, which should underscore our request to reconsider and reverse these denials.

Since the requests were received on September 27, 2012, three days prior to any deadline, none of the FRNs included in that Implementation Extension Request should have been denied. We therefore respectfully request that the decisions on FRNs 1713556 and 2014074 be reversed and that the requests be "Approved".

Sincerely,

Marilyn M. Cohen
Supervisor of Technology
Atlantic City Board of Education
mcohen@acboe.org

Received & Inspected
MAY 20 2013
FCC Mail Room



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2010-2011

March 14, 2013

Marilyn Cohen
Atlantic City Bve-admin
1300 Atlantic Avenue, 5th Floor
Atlantic City, NJ 08401

Re: Applicant Name: ATLANTIC CITY BVE-ADMIN
Billed Entity Number: 123420
Form 471 Application Number: 745229
Funding Request Number(s): 2014074
Your Correspondence Dated: February 13, 2013

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 2010 Administrator's Decision on Implementation Extension Request 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): 2014074
Decision on Appeal: Denied
Explanation:

- FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Service Delivery Deadlines and Extension Requests for more information.). In accordance with FCC Report and Order (FCC 01-195) released on June 29, 2001, in order to provide additional time to implement contracts or agreements with service providers for non-recurring services, applicants must submit

If you believe there is a basis for further examination of your application, 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 POSTMARKED within 60 days of the above 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