



ALL HALLOWS HIGH SCHOOL

Accredited by The Board of Regents of the University of the State of New York and the Middle States Association of Colleges and Schools

OFFICE OF THE PRESIDENT

Received & Inspected

May 29, 2014

JUN 03 2014

FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

FCC Mail Room

CC Docket No. 02-6

Billed Entity 10434 All Hallows Institute School
Commitment Adjustment Letter April 24, 2014
Decision on Appeal Letter May 20, 2014
FCC Registration 0012595492

Form 471 783775 FRN 2120906

Form 471 808265 FRN 2194263

Dear FCC:

The appeal to the USAC regarding this alleged violation was denied. The denial letter states that: "For the purpose of determining eligibility, the five year period begins in any funding year, starting with Funding Year 2005 ..." The guide for insuring compliance with the Two-in-Five rule is on the web site of the USAC. I do not understand how following the guide on their web site can result in a violation. Even the USAC denial of appeal refers to the guide.

Is the year 2008 totally arbitrary? Why not begin in 2005 as the USAC web site states or 2009 which is the year when you select "next" on the USAC web site tool for compliance? The only year that can be used as a starting point and result in a violation is 2008. If using the years is not sufficient to ensure rule compliance, the red and green tabs make it even easier. It would also seem to be a deciding factor when the USAC issues it ruling on the status of any 471 application.

The denial letter from the USAC of an alleged violation of the Two-in-Five rule by All Hallows Institute School is based on the fact that we followed the guidelines for the Two-In-Five as described on the USAC web site and abided by the guidelines as presented. The same guidelines stated in the denial of the appeal.

The erate program has been instrumental in the implementation of our technology plans and we are careful to abide by the all guidelines so as not to in any way jeopardize our participation.

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Over the years that we have selected All County Business Machines as our vendor for erate services, the Two-In-Five rule is discussed before we submit a form 471 requesting funding. We refer to the USAC web site for eligibility guidance in all categories. The section of the web site that describes this rule seems to be the easiest to understand – Red means stop i.e. not eligible in that year and Green means go ahead and apply because you are eligible for internal connections that year.

I have attached the print outs specific to the guidelines applicable to All Hallows – starting in 2005 (as per the USAC rule that is reiterated in the denial of appeal) and the 2009 start as per the web site.

I appreciate that ignorance of a rule does not excuse breaking the rule but this is not the case. We are well aware of the rule and believe to be in compliance. We see the red light and stop. If the problem is that internal connections should not be funded (requested) in back-to-back years that is not clearly stated. I may in violation of a **back-to-back rule that does not exist** but not the 2 in 5 rule as currently stated.

I hope that I have satisfactorily explained the perplexing situation in which I find All Hallows Institute School

We appreciate all that this program has done for deserving students throughout the United States. Serving the educational needs of students in our community (the 16th CD is the poorest in the US) is a challenge and the erate program has been a valued partner. It is in this context that I request you to consider my appeal of this decision.

Sincerely,



Paul Krebs
President

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JUN 03 2014



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2-in-5 Tool For Internal Connections Eligibility Summary

Note: Please click on the links below for the most current status.

[Next Year](#)

Note: Pending appeals are not considered for the Internal Connection eligibility statuses listed below.

| Entity | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|---|---------|--------------|--------------|---------|--------------|---------|---------|--------------|--------------|
| ALL HALLOWS INSTITUTE SCHOOL EN: 10434 | | Not Eligible | Not Eligible | | Not Eligible | | | Not Eligible | Not Eligible |

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2-in-5 Tool For Internal Connections Eligibility Summary

Note: Please click on the links below for the most current status.

[Prev Year](#)

[Next Year](#)

Note: Pending appeals are not considered for the Internal Connection eligibility statuses listed below.

| Entity | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |
|---|--------------|---------|---------|--------------|--------------|--------------|---------|---------|---------|---------|
| ALL HALLOWS INSTITUTE SCHOOL EN: 10434 | Not Eligible | | | Not Eligible | Not Eligible | Not Eligible | | | | |

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