

Letter of Appeal – Request for Review

CC Docket No. 02-6

June 19, 2014

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

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Nancy Fawcett Memorial Library
Dalton Telephone Company
BEN: 139020 SPIN: 143002167
Form 471 Application Number 916032
Funding Request # 2497049

I am writing to request that the FCC review the USAC denial of our appeal for FRN#2497049, Form 471 Application # 916032, for Funding Year 2013.

The USAC denial states “Your FCC Form 470, 249860001095393, was posted on January 10,2013. In your FCC Form 470 Receipt Notification Letter, USAC notified you that the earliest date upon which you could sign and submit your FCC Form 471 was February 7, 2013. Consequently, USAC denies your appeal because your application did not comply with the competitive bidding requirement that your FCC Form 470 be posted on the website for 28 days prior to your signing and/or submitting your FCC Form 471.” and “You signed and/or submitted your FCC Form 471 prior to the expiration of the 28 day posting period.”

I dispute USAC’s determination that our Form 471 was submitted before the expiration of the 28 day posting period.

Rather, I submitted my 471 in response to an email sent to me by USAC on February 22, 2013. I had forgotten to submit the 471, and the reminder email from USAC was the reason I submitted my 471, almost a month after the ACD of February 7, 2013.

Since USAC does not include any information regarding what evidence they used to make their decision, I am unable to directly address their denial.

However, I can provide the following documentation supporting the fact that the 471 was not signed or submitted before the ACD of February 7, 2013:

- 1) My Form 471, dated February 28, 2013 - "2013 Form 471 NancyFawcettMemorialLibrary".
- 2) "USPS Return Receipt NancyFawcettMemorialLibrary" showing that the 471 was received at USAC on March 4, 2013, almost a month after the ACD of February 7, 2013.
- 3) The 471 Receipt Acknowledgment Letter, dated March 19, 2013 - "471 RAL NancyFawcettMemorialLibrary". If the 471 was submitted before February 7, 2013, that would mean that it took USAC over a month and a half to issue the RAL. USAC's typical turn-around time for a RAL is 1-2 weeks at the most. A RAL dated March 19 would be a correct date for a 471 that they received on March 4.
- 4) And most importantly, the email sent to me by USAC on February 22, 2013, stating that they had not yet received our Form 471 - "USAC Email NancyFawcettMemorialLibrary". If USAC had not received our 471 as of February 22, 2013, then it is impossible for me to have submitted it before the ACD of February 7, 2013.

Based on my documentation, and USAC's own correspondence on February 22, 2013, I respectfully request that the FCC review the USAC denial, set aside that decision and approve the FRN#2497049, Form 471 Application # 916032, for Funding Year 2013.

Sincerely,

Norma Michelman
Library Director