



June 7, 2014

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

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request For Review

From: Torah Umesorah Library

Rabbi Binyomin Holland

Entity # 16063235

620 Foster Ave. Brooklyn, NY 11230

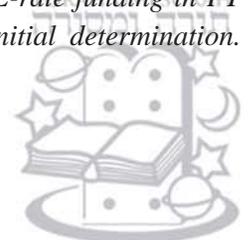
bholland@torah-umesorah.org

We are appealing the decision by the USAC to deny funding for FRN's 2416843, 2416844, 2416845, 2416868 and 2416869 of form 471 Application # 888773 and FRNs 2521677, 2521678 and 2544270 of form 471 **Application # 923860.**

In the Funding Commitment Decision Letter dated 4/23/2014 it states "The FRN is denied because the entity requesting service in this FRN: Torah Umesorah is not eligible to receive funding based on the program rules for eligible entities. Specifically, the New York State Library has determined that Torah Umesorah is not eligible to receive state Library Services and Technology Act (LSTA) funding and is therefore also not eligible to receive E-rate support."

We originally appealed this decision directly with USAC based on the fact that we were actually an eligible Library, a member of Metropolitan New York Library Council in good standing since August of 2011. We had also included a letter from Metropolitan New York Library Council confirming our membership and eligibility for E-Rate.

In the Administrator's Decision on Appeal our appeal was denied. USAC gave the following explanation: *USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LST A/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LST A funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2013, Torah Umesorah was not eligible for E-rate funding in FY 2013 . On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied*





We are appealing this decision with the FCC because we believe that USAC has their facts wrong. After the representative of Metropolitan New York Library Council visited our Library it was determined that our Library is eligible as a Full Member. He also confirmed that our status as a "Full Member" is as of July 1, 2013. Please see the letter from Tom Nielsen the Member Service Manager of Metropolitan New York Library Council. In the letter from Metropolitan New York Library Council that we included in our USAC appeal it also clearly states that although our invoice of Metropolitan New York Library Council remained open until we paid it on June 3, 2014, (the reason it was not paid was because we never received their invoice, as they did not have our new address) they did not close our membership and our membership remained in good standing.

Sincerely,

Rabbi Binyomin Holland

Director of Development

The following is included:

Letter from Tom Nielsen dated July 7, 2014

Our appeal we had sent to USAC included letter from Tom Nielsen June 6, 2014.

The Administrator's Decision on Appeal



Metropolitan New York Library Council

57 East 11th Street
New York, NY 10003-4605
phone: 212 228 2320
fax: 212 228 2598
www.metro.org



July 7, 2014

Binyomin Holland
Torah Umesorah
620 Foster Avenue, 6th floor
Brooklyn, NY 11230

Dear Mr. Holland:

Per your request, I am confirming in writing that Torah Umesorah has paid their METRO membership dues for fiscal years, 2011-2012, 2012-2013, 2013-2014 and 2014-2015 and is a member in good standing. Furthermore, your membership upgrade from collegial to full membership is effective as of July 1, 2013. Consequently, Torah Umesorah is eligible to participate in the e-rate program.

If you have questions about this letter or your membership, feel free to contact me at 212 228 2320 extension 116.

Sincerely,

Tom Nielsen
Member Services Manager



The National Society
for Hebrew Day Schools

To: Letter of Appeal
Schools and Libraries Division - Correspondence Unit
Fax: 973-599-6542

From: Torah Umesorah Library
Rabbi Binyomin Holland
Entity # 16063235
620 Foster Ave. Brooklyn, NY 11230
bholland@torah-umesorah.org

Letter of Appeal

To Whom It May Concern:

We are appealing the decision by the USAC to deny funding for FRN's 2416843, 2416844, 2416845, 2416868 and 2416869 of form 471 Application # 888773 and FRNs 2521677, 2521678 and 2544270 of form 471 Application # 923860.

In the Funding Commitment Decision Letter dated 4/23/2014 it states "The FRN is denied because the entity requesting service in this FRN: Torah Umesorah is not eligible to receive funding based on the program rules for eligible entities. Specifically, the New York State Library has determined that Torah Umesorah is not eligible to receive state Library Services and Technology Act (LSTA) funding and is therefore also not eligible to receive E-rate support."

We are appealing this decision because we are a member of Metropolitan New York Library Council in good standing since August of 2011. We are including a letter from Metropolitan New York Library Council confirming our membership and eligibility for E-Rate.

Sincerely,

Rabbi Binyomin Holland
Director of Development



Metropolitan New York Library Council

57 East 11th Street
New York, NY 10003-4605
phone: 212 228 2320
fax: 212 228 2598
www.metro.org



June 3, 2014

Binyomin Holland
Torah Umesorah
620 Foster Avenue, 6th floor
Brooklyn, NY 11230

Dear Mr. Holland:

This letter summarizes your METRO membership for the purpose of establishing your eligibility for e-rate funding.

In July 2011 I received your application for METRO membership. As part of the membership process I made a site visit to your facility at 1090 Coney Island Avenue on August 4, 2011. Your membership application was accepted and an acceptance letter and invoice for \$435.38 was sent to you on August 10, 2011. Your membership officially started when we received your payment for this invoice on September 13, 2011.

In 2012 our invoice was not received by you because you had moved and we did not have your new address. Although your fiscal year 2012-2013 invoice remained open until you paid it on June 3, 2014, we did not close your membership because you never indicated to us that we should. Consequently, we have received regular member invoice payments and your membership is in good standing. Additionally, I made a site visit to your new facility on May 22, 2014 to evaluate your eligibility for full member status. This change was approved and a letter documenting this status upgrade was sent to you on May 29, 2014. Finally, your dues level was also adjusted based on changes to your budget and will be reflected in your fiscal year 2015-2016 invoice.

To summarize, Torah Umesorah has been a member in good standing from 2011 to the present and is now a full METRO member and therefore eligible for e-rate funding. If you have questions about this letter or your membership, feel free to contact me at 212 228 2320 extension 116.

Sincerely,

Tom Nielsen
Member Services Manager



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

June 19, 2014

Rabbi Binyomin Holland
Torah Umesorah Library
620 Foster Avenue
Brooklyn, NY 11230

Re: Applicant Name: TORAH UMESORAH
Billed Entity Number: 16063235
Form 471 Application Number: 858516
Funding Request Number(s): 2336315, 2336316, 2336319, 2336321
Your Correspondence Received: June 09, 2014

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): 2336315, 2336316, 2336319, 2336321

Decision on Appeal: **Denied**

Explanation:

- USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LSTA/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LSTA funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2012, Torah Umesorah was not eligible for E-rate funding in FY 2012. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.
- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

June 16, 2014

Rabbi Binyomin Holland
Torah Umesorah Library
620 Foster Avenue
Brooklyn, NY 11230

Re: Applicant Name: TORAH UMESORAH
Billed Entity Number: 16063235
Form 471 Application Number: 888773
Funding Request Number(s): 2416843, 2416844, 2416845, 2416868, 2416869
Your Correspondence Received: June 09, 2014

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 2013 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): 2416843, 2416844, 2416845, 2416868, 2416869
Decision on Appeal: **Denied**
Explanation:

- USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LSTA/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LSTA funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2013, Torah Umesorah was not eligible for E-rate funding in FY 2013. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.
- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative

Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. *See* 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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 under the Reference Area/"Appeals" 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

cc: Mr. Kasriel Nojowitz