

JUL 02 2014

FCC Mail Room

## Appeal to FCC

CC Docket no. 02-6

To :

FCC – Office of the Secretary

445 12<sup>th</sup> Street SW

Washington DC 20554

From:

Kathleen Blossom, Director

The Cradle –Library Service

213 Hailey Road

Berryville AR 72616

870-423-6811

Regarding: Disregard by USAC of FCC directive given in FCC's Bootheel Consortium Order:

10. *Additional Processing Directives for USAC.* As of the effective date of this Order, when USAC has reason to believe that an applicant's funding request includes services for ineligible entities, USAC shall: ... (2) offer to work with the applicant and the relevant state agency to resolve the eligibility status of the entity.

*and June 23, 2014*

The USAC Letters of Denial dated June 20, 2014 make no mention of offering to work to resolve the eligibility issue. (see enclosed copy of letter)

### Supporting documentation:

47 C.F.R. sec. 54.501 (b)(1)

Only libraries eligible for assistance from a State library administrative agency under the Library Services and Technology Act (Pub. L. 104-208)

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This FCC regulation sets the Library Services and Technology Act above the State library administrative agency; it presumes that the state agency operates according to the LSTA.

The Goals of the LSTA, according its administering agency (IMLS) state that among the purposes of the LSTA are:

- promote continuous improvement in library services in all types of libraries in order to better serve the people of the United States;
- facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry;
- encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public;

and also: The Act specifies the following priorities for the Grants to States program:

- expand services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;

from: <http://www.imls.gov/programs/>

The Arkansas Library E-rate Coordinator is injudicious in disclaiming The Cradle Library Service as an eligible library for E-rate, when the Arkansas State five Year Plan Goal #2 states:

Goal 2

*The Arkansas State Library enhances access to information for lifelong learning for all Arkansans by expanding information resources of all types through enhancing, strengthening, sharing, digitizing and preserving.*

By relying solely on a statement by the Arkansas E-rate Coordinator, USAC is effectively disregarding the very law (LSTA) itself. Furthermore, 47 C.F.R. sec. 54.501 (b)(1) indicts the Arkansas State Library agency when it does not in practice carry out the goals of the LSTA, i.e. " facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry," which it purports to do in its "Arkansas 2013-2017 LSTA Five-Year State Plan."

Signed: Kathleen Blossan, Director  
The Cradle  
June 26, 2014



**Universal Service Administrative Company**  
Schools & Libraries Division

*copy*  
*1 of 6 denials*

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

June 23, 2014

Received & inspected

Kathleen Blossom  
The Cradle  
213 Hailey Road  
Berryville, AR 72616

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Re: Applicant Name: THE CRADLE  
Billed Entity Number: 16025716  
Form 471 Application Number: 831131  
Funding Request Number(s): 2257216, 2257221  
Your Correspondence Dated: May 29, 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 Notification of Commitment Adjustment 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): 2257216, 2257221  
Decision on Appeal: **Denied**  
Explanation:

- According to our records, it has been determined that services were installed or delivered to ineligible entity; The Cradle. This entity is ineligible to receive discounts. FCC rules require that discounts are to be provided only to entities eligible to receive funding. The Coordinator of E-Rate Services has advised USAC that The Cradle is not recognized by the Arkansas State Library as an eligible public library of the state under the 1996 Library Services and Technology Act. The Cradle is a private library and Arkansas does not recognize private libraries. Since funding was provided to an ineligible entity, the program rules have been violated. In your appeal, you did not show that USAC's determination was incorrect. 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.

no mention here of FCC Directive "106" offer to work with the applicant and the relevant state agency to resolve the eligibility status of the entity "

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

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The overall purposes of the Library Services and Technology Act are to

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- enhance coordination among federal programs that relate to library and information services;
- promote continuous improvement in library services **in all types of libraries** in order to better serve the people of the United States;
- facilitate access to resources **in all types of libraries** for the purpose of cultivating an educated and informed citizenry;
- encourage resource sharing among **all types of libraries** for the purpose of achieving economical and efficient delivery of library services to the public;
- promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;
- enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;
- ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;
- enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and
- promote library services that provide users with access to information through national, state, **local**, regional, and international collaborations and networks.

The Act specifies the following priorities for the Grants to States program:

- expand services for learning and access to information and educational resources in a variety of formats, **in all types of libraries**, for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;
- establish or enhance electronic and other linkages and improved coordination among and between libraries and entities for the purpose of improving the quality of and access to library and information services;
- provide training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services;
- enhance efforts to recruit future professionals to the field of library and information services;
- **develop public and private partnerships with other agencies and community-based organizations;**
- target library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, and to individuals with limited functional literacy or information skills;
- target library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;
- **develop library services that provide all users access to information through local**, state, regional, national, and international collaborations and networks; and
- carry out other activities consistent with the purposes set forth in section 9121, as described in the SLAA's plan.

attachment:  
Shows identification  
of 6 Letters of denial

# Appeal

Contact Info:

Kathleen Blossom  
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FAX is the same number  
thecradle@windstream.net

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Regarding: Notification of Commitment Adjustment Letter(s) May 21, 2014:

Notification of Commitment Adjustment Letter

Funding Year 2008: July 1, 2008 - June 30, 2009

May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number:	591853	FRN 1643063
Funding Year:	2008	
Applicant's Form Identifier:	APP4	FRN 1643071
Billed Entity Number:	16025716	
FCC Registration Number:	0014166623	

Notification of Commitment Adjustment Letter

Funding Year 2009: July 1, 2009 - June 30, 2010

May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number:	652683	FRN 1789358
Funding Year:	2009	
Applicant's Form Identifier:	APP5	FRN 1789361
Billed Entity Number:	16025716	
FCC Registration Number:	0014166623	

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Notification of Commitment Adjustment Letter  
Funding Year 2010: July 1, 2010 - June 30, 2011

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May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number: 711947  
Funding Year: 2010  
Applicant's Form Identifier: APP6  
Billed Entity Number: 16025716  
FCC Registration Number: 0014166623

FRN 1941225  
FRN 1941233

Notification of Commitment Adjustment Letter  
Funding Year 2011: July 1, 2011 - June 30, 2012

May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number: 789620  
Funding Year: 2011  
Applicant's Form Identifier: APP7  
Billed Entity Number: 16025716  
FCC Registration Number: 0014166623

FRN 2136463  
FRN 2162153

Notification of Commitment Adjustment Letter  
Funding Year 2012: July 1, 2012 - June 30, 2013

May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number: 831131  
Funding Year: 2012  
Applicant's Form Identifier: App8  
Billed Entity Number: 16025716  
FCC Registration Number: 0014166623

FRN 2257216  
FRN 2257221

Notification of Commitment Adjustment Letter  
Funding Year 2013: July 1, 2013 - June 30, 2014

May 21, 2014

Kathleen Blossom  
THE CRADLE  
213 HAILEY  
BERRYVILLE, AR 72616

Re: Form 471 Application Number: 879327  
Funding Year: 2013  
Applicant's Form Identifier: APP9  
Billed Entity Number: 16025716  
FCC Registration Number: 0014166623

FRN 2419931  
FRN 2419934