

AUG 11 2014

CC Docket 02-6

From: Dana Shaffer
Sent: Thu 9/13/2007 3:04 PM
To: 'sbarash@usac.org'
Cc: Jim Balaguer; Gina Spade; Amy Bender; Jeremy Marcus; Thomas Buckley
Subject: Consultant LOAs/agreements

Federal Communications Commission
Office of the Secretary

Scott,

We have received several appeals that involve USAC denying applications because the applicant did not produce a letter of agency (LOA) or consulting agreement with its consultant or the consulting agreement was not dated prior to the consultant providing its services. Commission rules and precedent do not require applicants to have a consulting agreement with their consultants, much less one that is signed by a certain date. As such, USAC should not deny an application based solely on the lack of a consulting agreement or on the date the consulting agreement was signed. With regard to an LOA, there is no basis in Commission rules or precedent requiring that an LOA have been signed prior to the date of the filing of FCC forms with USAC. Of course, if USAC needs to ensure that the consultant is acting as an applicant's agent (for example, answering questions during a review process or signing one of the required FCC forms), USAC can request that an applicant provide an LOA. Again, it is not necessary for the LOA to have been signed prior to the applicant filing its FCC forms with USAC. It is enough that the applicant is acknowledging after a USAC request for information that it has delegated its authority to the non-employee.

In light of this direction, USAC should reconsider the following applications and, as appropriate, issue new funding commitment decision letters (FCDLs). Of course, if rule violations are discovered in the course of further application processing, or if there are legitimate grounds for denial of the applications, please let us know. As we are not sure where in the application processing this issue may have arisen, we do not intend this direction to circumvent any procedures necessary to review the application completely and ensure compliance with applicable rules and precedent. We do wish to make clear, however, that the lack of a consulting agreement and the date the consulting agreement and/or LOA was signed are not, in and of themselves, bases for denial.

1) **Clare-Gladwin RESD**, FY2006, 471# 496629 (Again, we are not asking that a FCDL be issued if there are other problems with the applications or applicants.)

(2) **Galveston Independent School District**, FY2006, 471# 495787

(3) **Orangeburg County School District 3**, FY2006, 471## 526915, 536972, 537791, 537266, 537336, 537502, 536569

(4) **Pillager School District 116**, FY2006, 471# 520117

(5) **Roosevelt Union Free School District**, FY2006, 471## 538495, 538496

Please let me know if you have any questions.

Thanks,

Dana

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