

## SCHOOLS AND LIBRARIES PROGRAM

# NEWS BRIEF

January 15, 2016

**TIP OF THE WEEK:** The January 28 invoice deadline for FY2014 non-recurring services is quickly approaching. File an [invoice deadline extension request](#) on or before January 28 if you will be unable to meet this deadline.

## Commitments for Funding Years 2015 and 2014

**Funding Year 2015.** USAC will release Funding Year (FY) 2015 Wave 33 Funding Commitment Decision Letters (FCDLs) on January 22. This wave includes commitments for approved requests for all service types and at all discount levels. As of January 15, FY2015 commitments total over \$2.91 billion.

**Funding Year 2014.** USAC will release FY2014 Wave 74 FCDLs on January 21. This wave includes commitments for approved Priority 1 (Telecommunications Services and Internet Access) requests at all discount levels. As of January 15, FY2014 commitments total just under \$2.28 billion.

On the day the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

## Note on Internet Explorer 8

Please note that vendor support for Internet Explorer 8 ended earlier this month. Consequently, users accessing EPC through Internet Explorer should use versions IE9 or above.

## Appeals

USAC decisions can be appealed by program participants affected by those decisions. Appeals must be [received or postmarked](#) within 60 days of the date of the decision.

You must appeal to USAC first before filing an appeal with the Federal Communications Commission (FCC). If USAC denies your appeal, you can then appeal USAC's administrator's decision to the FCC. As discussed later, if you are seeking only a waiver of an FCC rule (like the FCC rule requiring that invoice deadline extension requests be filed on or before the actual deadline), you must seek relief directly from the FCC.

Most USAC decisions are communicated in letters. In general, the letters containing these decisions also include information on how to file an appeal. In some cases — notably SPIN changes and service provider electronic notifications — decisions may be communicated by email and may lack this information. However, [guidance on how to file an appeal](#) is available on the USAC website.

If you are writing an appeal, you should clearly identify yourself and the reason(s) for your appeal, and include the specific information that will help USAC understand why you believe the original decision should be reviewed. Here are some tips to assist you with your preparations:

**Mark your submission as an appeal.** The word "appeal" should appear on the first page of a written appeal or the subject line of an appeal submitted by email or online. This will allow your appeal to be correctly identified and processed.

**Identify yourself.** The contact information you provide on your appeal will be the information we use to

ask questions or to clarify information. If your contact information has changed since your original submission (program form, extension request, etc.), please make a note of that as well.

The following information is helpful to include on the first page or cover sheet of the appeal:

- The entity name and Billed Entity Number (BEN) of the applicant including an address, email address, and telephone number.
- The name, address, telephone number, and email address of the contact person who understands and can discuss the appeal.
- If the contact person is not an employee of the Billed Entity, the relationship of the contact person to the Billed Entity (e.g., a consultant or consortium member).
- If an alternate contact person also understands and can discuss the appeal, that person's name and contact information.

You should monitor the email and/or telephone contact that you provide. If we attempt to contact you and do not receive a response, we may have to proceed with the information on hand and without the benefit of your responses to our questions.

**Specify the USAC decision you are appealing.** Start with the title and date on the communication that contains USAC's decision. In general, letters from USAC feature a title in capital letters at the top of the first page. Then specify the particular decision from that communication that you are appealing, for example: a denial of one Funding Request Number (FRN) from an FCC Form 471, a rejection of a service substitution request, or the removal of an entity from an FCC Form 471 Discount Calculation. In addition, always include the following:

- A list of all affected FRNs.
- A list of all affected FCC Form 471 application numbers.
- A list of any other specific program forms or requests involved, identified by form number, applicant form identifier, or other numbers assigned to the form or request by you or by USAC.

**Address all of the issues USAC identified if you are appealing a funding decision.** As part of Program Integrity Assurance (PIA) review, USAC reviews FCC Forms 471 in their entirety rather than stopping with the first denial reason. If your funding request was reduced, the comment field for each FRN in the FCDL contains additional information on the specific products or services that were removed. Also, if your funding request was denied for more than one reason, all of the reasons will be included in the comment field for that FRN.

- Each denial reason in the comment field is separated by five sets of angle brackets (<><><><><><>).
- If you are appealing a denial or reduction, be sure your appeal addresses **all** of the reasons contained in the comment field. This will speed up the processing of your appeal.

**State briefly but precisely why you feel the USAC decision is incorrect.** Explain why you believe USAC reached the wrong conclusion in its decision. If the decision relates to a program rule or an FCC order, cite the rule or the order and the specific language that supports your argument.

**Note any other information that should be reviewed.** You have already included in your appeal the relevant form number, applicant form identifier, FRN, and any other identifying information. This will assist us to quickly locate the materials related to the application(s) or request(s) that should be reviewed in order to process your appeal. However, your appeal may rest on our understanding of other materials submitted with your application or that relate to your application. You can provide copies of the relevant information or note where we should look to locate the information, such as an attachment to a previous year's form.

**Retain all documentation.** Current program rules require that all documentation related to an application be retained for 10 years after the last date to receive service. Some of the questions that we may ask while reviewing an appeal can be answered by documentation that you have retained. If we need to review that documentation and you can easily produce it, your appeal can proceed much more smoothly.

#### **All waiver requests filed at FCC**

USAC cannot waive FCC program rules. However, you can request that an FCC rule – for example, the rule that requires an FCC Form 471 application to be filed within the window deadline – be waived from the FCC.

In addition to including all the information listed above pertaining to filing an appeal with USAC, the FCC has its own general filing requirements that, along with a proper caption and reference to the applicable docket number, require you to include (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.

### **Filing information**

You can file an appeal with USAC by [email](#), through [Submit a Question](#) (choose "Appeals" from the Topic Inquiry menu and "I want to file an appeal" from the Specific Inquiry menu), or by mail.

The mailing address for appeals to USAC is:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

You can file a waiver request or appeal with the FCC through the [Electronic Comment Filing System](#) (enter "02-6" as the Proceeding Number and choose "WAIVER" or "APPEAL" for the Type of Filing) or by mail.

The mailing address for waiver requests to the FCC is:

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

You can refer to the [Appeal Guidelines](#) for more information on filing an appeal.

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