

[Back](#) [header](#)

## Schools and Libraries News Brief

**June 2, 2006**

### Commitments for Funding Year 2006 and 2005

**Funding Year 2006.** USAC will release FY2006 Wave 7 funding commitment decision letters (FCDLs) June 6. As of June 2, FY2006 commitments total just under \$324 million for approved Priority 1 requests (Telecommunications Services and Internet Access).

**Funding Year 2005.** USAC will release FY2005 Wave 50 FCDLs June 7. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 85% and above. As of June 2, FY2005 commitments total over \$1.67 billion.

USAC will continue to issue weekly funding commitment waves for both FY2006 and FY2005. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment in either funding year by using USAC's [Automated Search of Commitments](#) tool.

### Writing a Clear and Concise Appeal

USAC decisions can be appealed by program participants affected by those decisions. Appeals can be filed with USAC or with the Federal Communications Commission. Appeals must be received by USAC or the FCC or postmarked within 60 days of the date on the decision. USAC decisions are generally communicated in letters, although in some cases — notably SPIN changes and service provider electronic notifications — decisions may be communicated by e-mail.

In order to process appeals promptly, USAC needs specific information about the decision being appealed. If you do not include this information, it may take longer to process your appeal. USAC has provided complete [information on filing an appeal](#) on the website. However, the following suggestions will help to speed the processing of an appeal filed with USAC:

- **Use the word “appeal.”** When you file an appeal, make sure that the word “appeal” is prominently featured — on the first page of your appeal and also in the subject line of your e-mail or the cover page of your fax if you are filing by either of those methods. Your clear designation will speed processing and separate the appeal from the many kinds of documents that program participants file related to specific applications — for example, SPIN change requests, Item 21 attachments, and contact information changes.
- **Clearly identify yourself and the application(s) related to your appeal.** Appeals often involve one or more applications and Funding Request Numbers (FRNs). If the relevant application information — e.g., Billed Entity Number (BEN), Form 471 application number, FRN — is clearly visible on the first page of your appeal (and on all accompanying documentation), USAC can quickly identify all the materials that need to be reviewed in order to process your appeal.
- **Specify the USAC decision you are appealing.** In most cases, USAC decisions are communicated through a letter, such as a Funding Commitment Decision Letter, Form 486 Notification Letter, Notification of Commitment Adjustment Letter, and so on. If you provide the date and title of the letter that contains the decision you are appealing — e.g., “I am appealing a decision contained in the Funding Commitment Decision Letter dated June 2, 2006 for Brads School, BEN 145909.” — USAC can easily locate a copy of the decision and all the relevant review documents.
- **Provide complete — and alternate — contact information.** USAC will use the contact information you provided on your appeal in any attempt to contact you to ask questions or to clarify information. In the event that USAC does not receive a response, it may have to proceed with the information on hand and without the benefit of the additional information you could provide. It is a good idea to include contact information for a second contact person and to carefully monitor the primary contact

information (e-mail, fax, or telephone) to assure that USAC's questions are received and answered promptly.

- **State precisely why the USAC decision is incorrect.** Explain why you believe USAC reached the wrong conclusion in its decision. For example, if USAC denied your funding because your contract was not signed and dated by both parties, you could say, "My signature and date are at the bottom of page 7 of the eight-page contract I provided to my PIA reviewer on June 2, 2006. However, my service provider signed at the top of page 8 of that contract and dated it at the bottom of page 8."

If the decision relates to a program rule or an FCC order, cite the rule or the order number together with the paragraph(s) of the order that support your argument. (The order number is located in the upper-right-hand corner of each page of the order, and is in the format FCC xx-xxx or DA xx-xxx.)

If you provided documentation that you believe was not considered in USAC's decision, identify that documentation by title, date provided, method of submission (e-mail, fax, delivery service), and any other information that will help USAC locate it.

- **Be clear but brief.** If detail is necessary to bolster your argument, by all means provide it. However, unrelated details may confuse your reviewer. For example, if you provide a log of every single contact made during the PIA process — whether relevant to your appeal or not — USAC may have difficulty understanding the point you are trying to communicate. You can always provide a summary of your argument first and then include more detail following the summary. Your goal should be to help USAC understand your situation.
- **Submit ONE copy of your appeal.** There are currently four ways to file an appeal with USAC: by e-mail, by fax, on paper (using U.S. Mail or a delivery service), and through [Submit a Question](#). A number of appellants, concerned that USAC may lose their appeal, file the same appeal using two, three, or four of these ways. Multiple copies can slow down processing, as USAC must review all of the filings to determine if they raise new issues or are, in fact, true duplicates. While there are four filing methods, USAC recommends that appeals be filed by [e-mail](#), because the system will automatically generate a response showing that the appeal was received.
- **Retain all documentation.** Program rules require that all documentation relating to an application be retained for five years after the last date to receive service. Some of the questions that USAC may ask while reviewing an appeal may be answered by documentation that you did not provide originally but which you have retained. If USAC needs to review that documentation and you can easily produce it, your appeal can proceed much more smoothly.
- **Request waivers from the FCC, not from USAC.** USAC has [specific guidelines](#) under which it can approve appeals. USAC cannot decide appeals on issues that fall outside of these guidelines; such appeals should be filed with the FCC. Specifically, USAC cannot waive program rules, such as the Form 471 application window filing deadline or the 28-day waiting period for the competitive bidding process. If you want to request a waiver of a program rule, file a request for waiver with the FCC.

Refer to the [Appeals Procedure](#) for more information on filing an appeal with USAC or the FCC.

**Tip: If You Get a New RAL, Review It Carefully**

USAC is issuing Receipt Acknowledgment Letters (RALs) to applicants listed in the appendices of the recent FCC order [FCC 06-54](#). These forms and/or certifications are just now being data entered because, for the most part, these applications were denied for failing Minimum Processing Standards or for missing certifications. Applicants receiving these RALs should review them carefully. In many cases, the information contained in the original application may need to be corrected.

If outdated information falls under the list of allowable RAL corrections, applicants can use the RAL correction process. The [February 24, 2006 News Brief](#) contains guidance on allowable RAL corrections, as does the [sample RAL](#) posted on USAC's website.

If the outdated information falls outside of this list or the applicant can not update the information quickly, PIA will work with the applicant during the PIA review process to assure the information is correct.

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[Back](#)