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Schools and Libraries News Brief

July 22, 2011

TIP OF THE WEEK: If you submit a BEAR Form online, do not also mail a paper copy of that form to USAC. If you file a BEAR Form on paper, include all four pages of the current version (April 2007) of the form and remember that the service provider – NOT the applicant – must complete page 4.

Commitments for Funding Years 2011 and 2010

Funding Year 2011. USAC will release FY2011 Wave 6 Funding Commitment Decision Letters (FCDLs) July 26. This wave includes commitments for approved Priority 1 (Telecommunications Services and Internet Access) requests at all discount levels. As of July 22, FY2011 commitments total just under \$577 million.

Funding Year 2010. USAC will release FY2010 Wave 59 FCDLs July 27. This wave includes commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 81% and above and denials at 79% and below. As of July 22, FY2010 commitments total over \$2.59 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.

Writing an 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 (FCC). Appeals must be [received or postmarked](#) within 60 days of the date of the decision.

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 or the FCC 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, the cover sheet of an appeal submitted by fax, 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 used 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 and telephone number.
- The name, address, telephone number, fax 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 (consultant, consortium member, etc.).

- If an alternate contact person also understands and can discuss the appeal, that person's name and contact information.

You should monitor the email, fax, 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 a Form 471, a rejection of a service substitution request, or the removal of an entity from a Form 471 Block 4 worksheet. In addition, always include the following:

- A list of all affected FRNs.
- A list of all affected 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.

USAC reviews 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. Program rules require that all documentation related to an application be retained for five 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.

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

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