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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

April 1, 2011

Chairman Julius Genachowski  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

COMMITTEES:  
AGRICULTURE COMMITTEE  
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ARMED SERVICES COMMITTEE  
SUBCOMMITTEE ON READINESS  
SUBCOMMITTEE ON AIR AND LAND FORCES

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Re: Appellant-Union County Public Schools (NC)  
BEN: 126955  
FCC Registration: 0011855616  
Form 471 Number: 648043  
Funding Request Number: 1782773

Dear Chairman Genachowski,

I am writing this letter on behalf of Union County Public Schools (UCPS) and their appeal of the funding denial in which funding year 2009, 2010 have been denied and the reimbursement provided in funding year 2008 is being demanded back. I have been apprised of the circumstances and feel that, while the provision and receipt of concert tickets may not have been a good decision for those involved, it is not in violation of the competitive bidding requirements for the following reasons:

1. The transaction occurred well after the contract had been awarded;
2. The contract was awarded to the lowest and most responsive bidder; and,
3. Until the FCC developed the definition of nominal in 2010, long after the concert tickets were provided and even after USAC made the initial determination, there was no standard by which to judge the actions. It is patently unfair to hold a school district to a standard that had not yet been adopted.
4. There was no violation of Board of Education policy with receipt of the tickets, and, USAC lacks the authority to interpret Board of Education policy.

The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at reasonable and affordable rates for all consumers; increase nationwide access to advanced telecommunications services; advance the

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availability of such services to all consumers, including those in low income, rural, insular, and high cost areas at rates that are reasonably comparable to those charged in urban areas; increase access to telecommunications and advanced services in schools, libraries and rural health care facilities; and to provide equitable and non-discriminatory contributions from all providers of telecommunications services to the fund supporting universal service programs.

USAC has denied funding for three fiscal years although the goals of the Fund remain intact and are still upheld with integrity, as no procurement violations were compromised by UCPS. Now in the seventh month awaiting a decision on appeal, UCPS is not the only entity being punished for a policy that did not exist. The citizens, and most ironically, the children of the Union County Public School district are now being made to suffer as UCPS must budget with this deficiency.

Therefore, I respectfully make the following two requests. Carefully weigh the arguments made by UCPS in their appeal considering the rules that were in place at the time of the action. Secondly, in this time of fiscal urgency and the dire need for technology in our public schools, I request that you make your determination in the most expeditious manner appropriate.

Sincerely,



Larry Kissell  
Member of Congress

cc: Commissioner Michael J. Copps  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker  
Joel Gurin, Bureau Chief  
Dr. Ed Davis  
Ms. Maureen Rooney