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SMALL BUSINESS

# United States Senate

WASHINGTON, DC 20510-2102

September 13, 2012

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The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

I am writing regarding a Request for Review that was submitted to the FCC on June 25, 2010 (CC Docket No. 02-06 and CC Docket No. 96-45) in response to an Administrative Decision issued by the Universal Service Administrative Company (USAC). This appeal has been pending with the FCC for the past 27 months. While I am not in a position to judge the merits of the appeal, I believe that the request for review deserves a speedy response.

I am told that from 2003 through 2008, Achieve Telecom Network of MA, LLC (Achieve), a small woman-owned business based in Massachusetts, received E-rate funds to provide distance learning programs to four underserved and economically disadvantaged school districts in Massachusetts. In Somerville, Springfield, Chelsea, and Brockton, these K-12 programs provided students with educational resources and opportunities, from interactive TV and course materials to tutoring and practice testing. Additionally, these programs improved computer training for teachers and helped to make coursework more engaging.

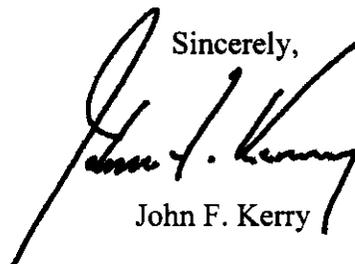
Then in 2008, I understand that USAC issued Commitment Adjustment Letters (COMADs) to Achieve informing the small business that all E-rate funds previously granted to help administer these distance learning programs between 2004 and 2008 were being retroactively rescinded due to an alleged breach of E-rate protocol by the company. Achieve and the affected school districts immediately filed appeals with USAC and waited 18 months before USAC issued a ruling denying their petitions.

As is their right, Achieve then turned to the FCC review process asking for reconsideration of the USAC decision and has waited more than 27 months for a final ruling on their appeals.

I trust that you agree that Achieve and the school districts deserve fair and timely consideration of their appeals. If still more time is needed to review this case, I would appreciate an explanation of the delay within the FCC, which after more than two years can only be described as excessive, as well as an expected timeline for completion.

Thank you in advance for your attention to this matter.

Sincerely,



John F. Kerry