



Recovery of Improperly Disbursed Funds Letter

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07/30/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total amount to be recovered:\$35,292.00

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
161033546	1699102466	\$0.00	\$7,752.00	Funds disbursed are greater than the commitment amount	BEN
161033546	1699103828	\$0.00	\$4,560.00	Funds disbursed are greater than the commitment amount	BEN
161033546	1699112111	\$0.00	\$22,980.00	Funds disbursed are greater than the commitment amount	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.

FCC rules require the Universal Service Administrative Company (USAC) to recover funding when it is determined that funding was disbursed in violation of the rules. This letter notifies you that USAC will be recovering funding that was improperly disbursed and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.



To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:
 - a. Appellant name;
 - b. Applicant name and service provider name, if different from appellant;
 - c. Applicant BEN and Service Provider Identification Number (SPIN);
 - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
 - e. "Recovery of Improperly Disbursed Funds," AND the exact text of the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



Adjustment Report

FCC Form 471 Application Number:	161033546
Funding Request Number:	1699102466
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$7,752.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	136926
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Charter Communications
SPIN:	143005817
Original Funding Commitment:	\$7,752.00
Adjusted Funding Commitment:	\$7,752.00
Funds Disbursed to Date:	\$15,504.00

Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699102466 . Based on an internal review, the funding amount was confirmed to be \$7752.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$7752.00 in improperly disbursed funds from the applicant.



Adjustment Report

FCC Form 471 Application Number:	161033546
Funding Request Number:	1699103828
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$4,560.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	136926
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Charter Fiberlink - Missouri, LLC
SPIN:	143024207
Original Funding Commitment:	\$4,560.00
Adjusted Funding Commitment:	\$4,560.00
Funds Disbursed to Date:	\$9,120.00

Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699103828 . Based on an internal review, the funding amount was confirmed to be \$4560.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$4560.00 in improperly disbursed funds from the applicant.



Adjustment Report

FCC Form 471 Application Number:	161033546
Funding Request Number:	1699112111
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$22,980.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	136926
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Charter Fiberlink - Missouri, LLC
SPIN:	143024207
Original Funding Commitment:	\$22,980.00
Adjusted Funding Commitment:	\$22,980.00
Funds Disbursed to Date:	\$45,960.00

Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699112111 . Based on an internal review, the funding amount was confirmed to be \$22,980.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$22,980.00 in improperly disbursed funds from the applicant

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Kristopher Mooney
ST LOUIS COUNTY LIBRARY
1640 S LINDBERGH BLVD
SAINT LOUIS, MO 63131
kmooney@slcl.org

BEN: 136926**Post Commitment Wave:** 65

Totals

Original Commitment Amount	\$70,584.00
Revised Commitment Amount	\$35,292.00

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals
- Appeals
- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



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- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



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identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



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Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699112111	Charter Fiberlink - Missouri, LLC	Appeals	\$22,980.00	Denied
1699103828	Charter Fiberlink - Missouri, LLC	Appeals	\$4,560.00	Denied
1699102466	Charter Communications	Appeals	\$7,752.00	Denied



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Post Commitment Request Number: 123218	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699112111	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161033546			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	6		
Total Eligible Recurring Charges	\$57,450.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$57,450.00	
Discount Rate		40.00%	
Revised Committed Amount		\$22,980.00	

Dates	
Service Start Date	1/4/2017
Contract Expiration Date	6/30/2020
Contract Award Date	12/15/2014
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Charter Fiberlink - Missouri, LLC
SPIN (498ID)	143024207
Contract Number	
Account Number	
Establishing FCC Form 470	899870001249580

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

During the appeal review, it was determined that funds were improperly disbursed for funding request 1699112111. Based on an internal review, the funding amount was confirmed to be \$22,980.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$22,980.00 in improperly disbursed funds from the applicant. Consequently, your appeal is denied.



BEN Name: ST LOUIS COUNTY LIBRARY

BEN: 136926

Post Commitment Wave: 65

Post Commitment Request Number: 123218	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699103828	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161033546			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	6		
Total Eligible Recurring Charges	\$11,400.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$11,400.00	
Discount Rate		40.00%	
Revised Committed Amount		\$4,560.00	

Dates	
Service Start Date	1/4/2017
Contract Expiration Date	6/30/2020
Contract Award Date	12/15/2014
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Charter Fiberlink - Missouri, LLC
SPIN (498ID)	143024207
Contract Number	
Account Number	
Establishing FCC Form 470	899870001249580

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

During the appeal review, it was determined that funds were improperly disbursed for funding request 1699103828. Based on an internal review, the funding amount was confirmed to be \$4,560.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$4,560.00 in improperly disbursed funds from the applicant. Consequently, your appeal is denied.



BEN Name: ST LOUIS COUNTY LIBRARY

BEN: 136926

Post Commitment Wave: 65

Post Commitment Request Number: 123218	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699102466	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161033546			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	6		
Total Eligible Recurring Charges	\$19,380.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$19,380.00	
Discount Rate		40.00%	
Revised Committed Amount		\$7,752.00	

Dates	
Service Start Date	1/4/2017
Contract Expiration Date	6/30/2018
Contract Award Date	12/15/2014
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Charter Communications
SPIN (498ID)	143005817
Contract Number	
Account Number	
Establishing FCC Form 470	899870001249580

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

During the appeal review, it was determined that funds were improperly disbursed for funding request 1699102466 . Based on an internal review, the funding amount was confirmed to be \$7,752.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$7,752.00 in improperly disbursed funds from the applicant. Consequently, your appeal is denied.