**THIS IS A PETITION FOR RECONSIDERATION FOR DENIED WC DOCKET NO. 02-60 WAIVER REQUEST**

**Federal Communications Commission**

**Attn: Letter of Appeal**

**445 12th Street SW**

**Washington, DC 20554**

Service Provider Filing the FCC Waiver: Charter Advanced Services (WA)

SPIN: 143037050

Service Provider Primary Contact Information:

David Ventimiglia

13545 Barrett Parkway Dr.

Suite 200

Ballwin, MO, 63021

FRN: 16875641

Applicant:

                HCP Number: 16649

                Name:  Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center

                Address: 240 Division St, Grandview, WA 98930-1357

                Contact Name: Mark A Boggs

                Telephone: 502-292-2225

                E-mail: [mark.boggs@hcfundconnect.com](mailto:mark.boggs@hcfundconnect.com)

FCC Form 463 Invoice Number: 1000041713

Reason for Petition for Reconsideration:

This is in response to the DA No. 18-1284 released on December 20, 2018 regarding the FCC Waiver filed on 9/25/18. We strongly urge the FCC to reconsider the denial of this waiver given the facts listed below. Charter Advanced Services (WA), did everything it could within its means to approve the respective Form 463 by the appropriate time frame despite the unrealistic expectations described in the Waiver. Charter Advanced Services (WA) thoroughly reviews all items surrounding the Funding Commitment Letters (FCL) and Form 463s it receives, but the timing of the end of one funding year, beginning of another funding year, True-Up release of almost 1,000 FRNs, closure of the RHC Portal and vague direction from USAC to all participants created an unreasonably difficult situation for both the service provider and applicant below who filed with less than 72 hours before their deadline. The formal 463 deadline report on USAC’s website is only updated once a month and given the lack of transparency surrounding the deadlines, it was virtually impossible to know this Form 463 was rapidly due amongst all of the other pending Form 463s. Keep in mind, applicants that needed to file their Form 463 around this time were included with customers that did not have such aggressive deadlines. This scenario illustrates the need for USAC to clearly identify deadlines for applicants and services providers, as well as the need for reasonable Form 463 deadline extensions, similar to those available in the process for the Schools and Libraries Program (E-Rate). The Commission has sought feedback from stakeholders regarding USAC’s procedures, and in response, Charter Advanced Services (WA) identified this issue several times to the Commission in formal and informal settings along with other applicants and service providers. This feedback seemed to be favorably considered by the Commission when presented in collaborative group sessions at RHC conferences; however, no progress has transpired since the program’s inception. Based on these facts, Charter Advanced Services (WA) urges the Commission to promptly grant the Waiver below to allow the said Form 463 deadline to be extended and direct USAC to approve payment of the funding amounts.

Due to the Funding Cap increase for FY2017, Charter Communications focus has been on updating our health care provider (HCP) accounts with the outstanding True Up amounts sent on 7/24/18 for over 230 FRNs due to a high volume of HCP demand. Simultaneously, we were updating our records with the revised FCL information for over 920 FRNs that were sent from USAC on 7/30/18 in bulk list files.  During this same time period, the HCP questions and demands were so incredibly high due to the lack of clarity surrounding the USAC Webinar on 7/10/18. It is worth noting that to ensure full compliance of program rules, we review all statements, contracts, and billing for each Form 463 submitted which takes quite a bit of time to ensure all guidelines are met.

Deadline information is not located on the Action required email (see Attachment 2) or located on the USAC portal next to the Form 463 submission thus it is impossible to prioritize the Last Date to Invoice based on the Form 463s that were filed following the Funding Commitment Cap increase. We did receive an email on 8/7/18 along with 22 others stating Action Required – Applicant Submission Notice, however based on the email there is nowhere listed that we had less than 72 hours to review and approve. In other words, on 8/7/18, we received a total of 23 Action Required emails with no easy way to identify that HCP 16649 FRN 16875641 should be top priority as mentioned above. Simultaneously, we received multiple True Up inquiries from HCP applicants who previously submitted and received approved Form 463s for the 920 FRNS referenced above. There is still no Last Date to Invoice readily available on the USAC portal. We must open each individual Form 462 file to see when the invoice deadline is (see Attachment 3).

In addition, please see the timeline of events below as mentioned in the paragraphs above to further outline the impact these changes and processes had on our daily processes:

* 7/10: USAC Webinar informing HCPs and Service Providers not to approve any Form 463s until the revised FCLs were sent to account holders
* 7/24: True Up filed received for all prior approved Form 463s for FY2017
* 7/30: FCL Revised bulk list sent from USAC for 920 FRNs to update our files
* 8/7: 23 total Form 463s were submitted by applicants in the USAC portal including the Form 463 in question which was due 8/10
* 8/8-8/10: 41 Form 463s were submitted and awaiting an immediate turn around due to USAC portal updates halting all Form 463 processing from 8/22-9/5
* 8/13: Charter Communications attempted to approve the Form 463 that had the Last Date to Invoice of 8/10

Charter Communications understands the changes to the RHC program for FY2017 were made to positively impact the HCPs, however the unforeseen process changes and lack of clarity to implement the Funding Cap revision has actually been a negative outcome to this health care provider. We have provided all required documentation to support the statements above. The customer has done everything as required per program guidelines and they should be able to receive all approved funding for FRN 16875641. In order to do so, we ask that the Commission grant this Petition for Reconsideration to extend the deadline for submitting the invoices for the above FRN to enable recoupment of these funds from USAC and to eliminate the unjust financial impact to the applicant. In closing, we urge the Commission to consider the strong public interest benefits to rural health care providers, such as the applicant in this case, of granting a waiver of the invoice deadline in these instances.

Please do not hesitate to reach out regarding any questions you have in reference to this request.

Attachment 1: Appeal Invoice Request Email Sent to USAC on 8/23/18

**From:** rhc-appeals [mailto:rhc-appeals@usac.org]   
**Sent:** Thursday, August 23, 2018 8:00 AM  
**To:** Johnston, Darlene N <Darlene.Johnston@charter.com>  
**Subject:** Confirmation of Receipt of Appeal 16-208 Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center

Dear Ms. Johnston,

This email confirms that USAC has received the appeal for Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center for FY2016 funding request number (FRN) 16875641 in the RHC Healthcare Connect Fund Program.

Please review the instructions for filing an appeal (<https://www.usac.org/about/about/program-integrity/appeals.aspx>) and ensure that you have provided all of the required documentation. Failure to provide the required documentation may result in a delayed response.

When a decision has been made about your appeal, you will be notified by email.

Please let us know if you have any questions.

Sincerely,

**Sakura Miyazaki**

USAC

[www.usac.org](http://www.usac.org/)

**From:** Johnston, Darlene N [<mailto:Darlene.Johnston@charter.com>]   
**Sent:** Thursday, August 23, 2018 8:27 AM  
**To:** rhc-appeals  
**Cc:** Ventimiglia, David V  
**Subject:** Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center Appeal

Program:             HCF Program

Funding Year:     2016

Service Provider Name:   Charter Fiberlink WA-CCVII, LLC

Service Provider Identification Number (SPIN)/498 ID:        143027646

Health Care Provider (HCP) Number:         16649

HCP Name:         Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center

FCC Form 463 Invoice Number:    1000041713

Funding Request Number (FRN):  16875641

Invoice Amount:               $1,967.16

The HCP filed form 463 on 8/7/18, per the last date to invoice it needed to be approved by 8/10/18.  Due to the Funding Cap increased for FY2017 our focus has been on updating our HCP’s accounts with the outstanding True Up amounts for over 230 FRNs in addition to updating our records with the revised FCL information for over 920 FRNs that was sent to us from USAC in mass files.  We did receive the email on 8/7/18 at 8:21am CST stating Action Required –Applicant Submission Notice however based on the email there is nowhere listed that we had less than 72 hours to review and approve.  On 8/7/18 we received 23 Action Required emails with no easy way to identify that HCP 16649 FRN 16875641 should be top priority.  We are requesting an invoice deadline extension for this HCP since they did in fact file prior to the last date invoice.  The HCP should not be negatively impacted due to the influx of FY2017 Funding Cap changes, Form 463 submissions and lack of last date to invoice identifiers.

Thank you

4076_Spect_Business_Email_Signature_EntSol_JC

**Darlene Johnston** | Government Programs Analyst | 314.858.3562

13545 Barrett Parkway Suite 200| Ballwin, MO 63021

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Attachment 2: Action Required 463 Applicant Submission Email 8/07/18

**From:** rhcadmin@usac.org [mailto:rhcadmin@usac.org]   
**Sent:** Tuesday, August 07, 2018 8:21 AM  
**To:** Johnston, Darlene N <Darlene.Johnston@charter.com>  
**Subject:** Action Required - RHC HCF Program - FCC Form 463 - Applicant Submission Notice - HCP# 16649

|  |  |
| --- | --- |
| Date: | 07-Aug-2018 |
| Program: | HCF Program |
| Funding Year: | 2016 |
| Service Provider Name: | Charter Fiberlink WA-CCVII, LLC |
| Service Provider Identification Number (SPIN)/498 ID: | 143027646 |
| Health Care Provider (HCP) Number: | 16649 |
| HCP Name: | Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center |
| FCC Form 463 Invoice Number: | 1000041713 |
| Funding Request Number (FRN): | 16875641 |
| Invoice Amount: | $1,967.16 |

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program received the FCC Form 463 (Invoice and Request for Disbursement Form) from the Health Care Provider (HCP) referenced above on 07-Aug-2018 at 09:12 AM. This notice is to inform you that the FCC Form 463 is ready for your review. Please complete your review as soon as possible.

To view the form, log into My Portal located at <https://forms.universalservice.org/usaclogin/login.asp>. To access the FCC Form 463:

Search on the "My SPINs/498 IDs" tab for the SPIN/498 ID associated with the form.

Click on the SPIN/498 ID.

Search for the FCC Form 463 invoice number referenced above.

Review the Form 463 for accuracy. If any revisions need to be made, you will need to indicate what needs to be changed in the "Notes" section provided and reject the form.

Next Steps

If the form is rejected, the HCP will receive a notice including the explanation that you have provided in the "Notes" section. The HCP will then need to revise and re-certify the form, and then submit it to USAC for final approval.

If the form is approved, certified, and submitted to USAC, the estimated processing time for the FCC Form 463 is 30 days\*.

Once the FCC Form 463 has been reviewed and approved by USAC, you will receive payment either directly or as an offset to your universal service contribution obligation, depending on which option you have selected on your FCC Form 498.

For More Information

Please do not reply directly to this email, as emails to this account will not be delivered to the RHC Program team. For questions or assistance, or if this email has been received in error, contact the Rural Health Care Program Help Desk at (800) 453-1546 between 8 AM and 5 PM Monday - Friday or by email at [rhc-assist@usac.org](mailto:rhc-assist@usac.org).

For more information about the HCF Program application process, refer to the HCF Program Getting Started web page at <http://www.usac.org/rhc/healthcare-connect/process-overview/default.aspx>.

For more information about the FCC Form 463, view the Service Provider Guide to the FCC Form 463 on our website at: <http://usac.org/_res/documents/rhc/pdf/forms/2013/FCC-Form-463-Service-Provider-Guide.pdf>.

\* Processing time is calculated from the date of receipt of a complete and accurate form, including all supporting documentation. Missing and inaccurate information will delay processing. Timeliness of responses to USAC requests for information affects processing time (applicants are required to provide a response to information requests within 14 calendar days).

Attachment 3: Funding Commitment Letter for FRN16875641

**From:** RHC-HCP [<mailto:RHC-HCP@usac.org>]   
**Sent:** Wednesday, October 05, 2016 8:53 AM  
**To:** [chrisbe@yvfwc.org](mailto:chrisbe@yvfwc.org); [mark.boggs@hcfundconnect.com](mailto:mark.boggs@hcfundconnect.com); [kathy.kenner@hcfundconnect.com](mailto:kathy.kenner@hcfundconnect.com); Evans, Marcia A  
**Cc:** RHC-HCP  
**Subject:** Rural Health Care HCF Funding Commitment Letter (FCL): HCP 16649, FRN 16875641

**Funding Commitment Letter Date**:  09/30/2016

**Invoicing Deadline:** 8/10/2018

**Funding Year:** 2016

**Health Care Provider (HCP) Name:** Yakima Valley Farm Workers Clinic - Mountainview Women's Health Center

**HCP Number:** 16649

**HCP Contact Name:** Christopher A Bevers

**HCP Contact Email:** [chrisbe@yvfwc.org](mailto:chrisbe@yvfwc.org)

**HCP Contact Phone:** (509) 865-6175

**FCC Form 461 Application Number:** 100011342

**Funding Request Number:** 16875641

Re: FCC Form 462 Funding Request Decision

The Rural Health Care (RHC) division of the Universal Service Administrative Company (USAC) has completed its review of the FCC Form 462 *Healthcare Connect Fund Funding Request Form* (Form 462) and the supporting information submitted by the HCP named above.  Based on the information provided, RHC has determined that the HCP is eligible for the funding estimated below.  It is the HCP's responsibility to review this FCL and verify that all information is accurate.

If a multi-year commitment was approved, funding is shown by funding year.

**Year One:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Funding Start Date | Funding End Date | Undiscounted Recurring Expense | Undiscounted Non-Recurring Expense | Recurring Funding Amount | Non-Recurring Funding Amount | Total Approved Funding |
| 7/1/2016 | 6/30/2017 | $653.18 | $00.00 | $424.57 | $00.00 | $5,094.80 |

**Year Two:**

|  |  |  |  |
| --- | --- | --- | --- |
| Funding End Date | Undiscounted Recurring Expense | Recurring Funding Amount | Total Approved Funding |
| 2/10/2018 | $653.18 | $424.57 | $3,123.60 |

**Total Approved Funding:** $8,218.41

**HCP Physical Location:** 240 Division Street, Grandview, WA, 98930

**Service Type:** Ethernet

**Bandwidth:** 20.0MB/20.0MB

**Service Provider Name:** Charter Advanced Services (WA), LLC

**Service Provider Identification Number (SPIN):** 143037050

**Billing Account Number (BAN):** 8805 16 006 0143452

**Contract ID:** 896403

**Evergreen Determination:** Evergreen

**Evergreen Contract Start Date:** 2/11/2015

**Evergreen Contract End Date:** 2/10/2018

**Evergreen:** For the life of the original term of the contract, the HCP is not required to re-compete the service(s) identified above, nor post an FCC Form 461 *Healthcare Connect Fund Request for Services Form* (Form 461).  An HCP that exercises an option to extend the duration of an Evergreen contract may do so without the competitive bidding process for that funding year; however, the option to extend the duration of an Evergreen contract must be memorialized in the terms of the original contract, and the HCP’s decision to extend the duration of an Evergreen contract must occur before the HCP submits the Form 462 for the funding year in which the Evergreen contract expires.

Approved multi-year funding requests must have an Evergreen-endorsed contract.  Once funding is approved for multi-year funding, the HCP does not have to submit a Form 462 for the service(s) identified above, through the funding end date shown above.  An HCP with new services (or upgrades not requested in the original Form 461) must submit a Form 461, and participate in the competitive bidding process, before submitting a Form 462.

**Your responsibility:** It is the HCP's responsibility to review the information in this FCL.  Contact RHC at [rhc-hcp@usac.org](mailto:rhc-hcp@usac.org) if there is an error with the amount of funding or other information in this FCL.

If, at any time, the funded services are no longer provided to the HCP or the HCP is not otherwise receiving the approved funding, it is the HCP's responsibility to notify RHC immediately.

Information provided on Forms 461, 462, and the FCC Form 463 *Healthcare Connect Fund Invoice and Request for Disbursement Form* (Form 463) are subject to audit by RHC and the FCC.  HCPs are subject to audits and other reviews by USAC and/or the FCC to ensure that the universal service funding is used in compliance with FCC program rules.  If USAC discovers that funds are not used in compliance with program rules, an HCP may be subject to enforcement activities and other means of recourse by USAC and other appropriate federal, state, and local authorities.

**Next Steps:** The HCP must complete and submit the Form 463 through the “My Portal” website.  The Form 463 will confirm receipt of the services and equipment for which funding has been approved and the date on which the service provider began providing those services.  The service provider will 1) confirm the accuracy of the Form 463; 2) confirm that the HCP has paid its 35% contribution; and 3) submit the Form 463 to RHC for payment.

The Form 463 must be submitted by the date listed at the top of this letter (Invoicing Deadline) which is six months after the end date of the funding commitment.  However, HCPs are encouraged to start the invoicing process as soon as services have started and a bill has been received from the service provider.

Receipt of funding commitments is contingent on compliance with all statutory, regulatory, and procedural requirements of the Rural Health Care HCF Program.  HCPs that receive funding commitments may be subject to random audits, site visits, and other reviews by USAC to assure that funds have been committed and are used in accordance with all such requirements.  USAC may be required to reduce or rescind 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 HCP or the service provider.  USAC, and other appropriate authorities (including but not limited to the Federal Communications Commission), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

If you wish to appeal this decision, you may file an appeal with USAC or the FCC.  The appeal must be delivered within 60 days of the date of this letter.  Detailed instructions for filing appeals are available on the RHC website at [www.usac.org/rhc/about/program-integrity/appeals.aspx](http://www.usac.org/rhc/about/program-integrity/appeals.aspx)

For questions or assistance, or if this email has been received in error, contact Rural Health Care at 1-800-453-1546, between 9:00 a.m. and 4:30 p.m. Eastern Time Monday through Friday or by email at [rhc-hcp@usac.org](mailto:rhc-hcp@usac.org).

All account holders and the service provider contact listed on the Form 498 will receive a copy of this FCL.

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