700 12th Street NW, Suite 900, Washington, DC 20005 -- Phone: (202) 776-0200 Fax: (202) 776-0080

Rural Health Care Division

***Notice of Dismissal***

*Via Electronic Mail*

August 30, 2018

Ms. Darlene Johnston

Charter Fiberlink CCO, LLC

13545 Barrett Parkway Suite 200

Ballwin, MO 63021

Re: Charter Fiberlink CCO, LLC – Appeal of USAC’s Decision for

Funding Request Number (FRN) 14622131

Dear Ms. Johnston:

The Universal Service Administrative Company (USAC) has completed its evaluation of the September 29, 2017 letter of appeal (Appeal) submitted by Charter Fiberlink CCO, LLC (Charter) on behalf of St. Joseph, health care provider (HCP) number 12707.1 On September 29, 2017, USAC notified St. Joseph that USAC could not approve the invoice for FRN 14622131 under the Healthcare Connect Fund (HCF) program for funding year (FY) 2014.2 Charter failed to certify the FCC Form 463 (Invoice and Request Disbursement Form) by the invoicing deadline under the rules for the HCF program.3 The Appeal requests that USAC permit Charter to certify the invoice after the invoicing deadline, which would require a waiver of the Federal Communications Commission’s (FCC or Commission) rules.4

1 Email from Darlene Johnston, Charter Fiberlink CCO, LLC on behalf of St. Joseph, to the Rural Health Care Division, USAC (Sep. 29, 2017) (Appeal).

2 Email from the Rural Health Care Division, USAC, to Jessica Hodgkins, Ascension Information Services (Sep. 29, 2017).

3 When the applicant or service provider attempts to submit the FCC Form 463 after the invoicing deadline, My Portal will not permit the applicant or service provider to submit the form. Instead, the system notifies the applicant or service provider that the commitment is past the invoice deadline.

4 *See* Appeal.

5 *See* 47 C.F.R. § 54.645(b) (“All invoices must be received by the Administrator within six months of the end date of the funding commitment.”); *see also Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16778, 16804, para. 305 (2012) (*HCF Order*) (stating the same); FCC Form 463 Instructions, Rural Health Care Universal Service, Healthcare Connect Fund, Invoice and Request for Disbursement Form, OMB 3060-0804, at 3 (Aug. 2013) (*FCC Form 463 Instructions*).

USAC has reviewed the Appeal and the facts related to this matter and has determined that Charter failed to certify the FY 2014 FCC Form 463 for FRN 14622131 within six months of the end date of the funding commitment, as required by FCC rules. Specifically, FCC rules require that HCPs submit all FCC Forms 463 within six months of the end date of the funding commitment.5

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In addition, before USAC can process and pay an invoice, both the HCP and the service provider must certify that they have reviewed the invoice and that it is accurate.6 FCC rules also require parties seeking waivers of the Commission’s rules to seek relief directly from the Commission.7

6 47 C.F.R. § 54.645(b).

7 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

8 FY 2014 FCC Form 462 for FRN 14622131 (May 22, 2015).

9 FY 2014 FCL for FRN 14622131 (Sep. 24, 2015) (noting that St. Joseph is eligible for funding for the period between July 1, 2014 and Aug. 1, 2015).

10 *Id*.

11 FY 2014 FCC Form 463 for FRN 14622131 (Jan. 13, 2016).

12 Email from the Rural Health Care Division, USAC, to Marcia Evans, Charter Fiberlink CCO, LLC (Jan. 13, 2016).

13 Email from Jessica Hodgkins, Ascension Information Services, to the Rural Health Care Division, USAC (Sep. 29, 2017).

14 Email from the Rural Health Care Division, USAC, to Jessica Hodgkins, Ascension Information Services (Sep. 29, 2017).

15 *See* Appeal.

16 *Id.*

17 *Id.*

18 47 C.F.R. § 54.645(b).

On May 22, 2015, St. Joseph submitted an FY 2014 FCC Form 462 (Funding Request Form) requesting support for Ethernet service from Charter.8 On September 24, 2015, USAC issued a funding commitment letter (FCL) for FRN 14622131 which listed July 1, 2014 and August 1, 2015 as the funding start and end dates, respectively.9 The invoicing deadline for FRN 14622131 was February 1, 2016 (six months after the end date of the funding commitment).10

On Janaury 13, 2016, St. Joseph initiated the FCC Form 463 process by submitting the form in the My Portal system.11 On that same day, USAC sent a notice to Charter indicating that the form was ready for review and approval. 12 However, Charter did not review and certify the form before the February 1, 2016 deadline. As a result, Charter was unable to submit the FCC Form 463 for FRN 14622131 before the invoicing deadline. On September 29, 2017, St. Joseph emailed USAC inquiring as to whether the FCC Form 463 had been approved.13 USAC informed St. Joseph that since the service provider did not certify and submit the FCC Form 463 by the invoicing deadline, the FCC Form 463 could not be approved.14 On September 29, 2017, Charter submitted an appeal on behalf of St. Joseph that sought a waiver of the invoicing deadline.15

In the Appeal, Charter states that it was unable to certify the FCC Form 463 for FRN 14622131 before the invoicing deadline.16 Charter requests that USAC “re-open the invoice” so that Charter may review and approve the invoice.17 As noted above, USAC cannot remit payment until both the HCP and the service provider have reviewed and attested to the accuracy of the invoice, and the invoice must be submitted within six months of the end date of the funding commitment.18 Charter failed to review and certify the FCC Form 463 for FRN 14622131 before the

Ms. Darlene Johnston Charter Fiberlink CCO, LLC August 30, 2018 Page 3 of 3

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Therefore, USAC hereby dismisses the Appeal.

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February 1, 2016invoicing deadline, and, as a result, the invoicewas not submitted by the invoicingdeadline.Becausethe Appeal seeksa waiver of the invoicing deadline, Chartermust seek reliefdirectlyfrom the Commission, not USAC.19Therefore, USAC hereby dismissesthe Appeal.

Ifyou wish to appeal this decision or request a waiver, you can follow the instructions pursuant to 47

C.F.R. Part 54, Subpart I(47 C.F.R. §§ 54.719 to 725). Further instructions for filing appeals orrequesting waivers are also available at:

http://www.usac.org/about/about/program-integrity/appeals.aspx

Sincerely,

/s/ Universal Service Administrative Company

cc:Jessica F. Hodgkins, Ascension Information Services

1947 C.F.R. § 54.719(c).

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Rural Health Care Division

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*Via Electronic Mail*

August 30, 2018

Ms. Darlene Johnston

Charter Fiberlink CCO, LLC

13545 Barrett Parkway Suite 200

Ballwin, MO 63021

Re: Charter Fiberlink CCO, LLC– Appeal of USAC’s Decision for

Funding Request Number (FRN) 15768411

Dear Ms. Johnston:

The Universal Service Administrative Company (USAC) has completed its evaluation of the February 2, 2018 letter of appeal (Appeal) submitted by Charter Fiberlink CCO, LLC (Charter) on behalf of St. Joseph, health care provider (HCP) number 12707.1 Charter failed to certify the FCC Form 463 (Invoice and Request Disbursement Form) by the invoicing deadline under the rules for the Helathcare Connect Fund (HCF) program.2 The Appeal requests that USAC permit Charter to certify the Funding Year (FY) 2015 FCC Form 463 after the invoicing deadline, which would require a waiver of the Federal Communications Commission’s (FCC or Commission) rules.3

1 *See* Email from Darlene Johnston, Charter Fiberlink CCO, LLC on behalf of St. Joseph, to the Rural Health Care Division, USAC (Feb. 2, 2018) (Appeal).

2 When the applicant or service provider attempts to submit the FCC Form 463 after the invoicing deadline, My Portal will not permit the applicant or service provider to submit the form. Instead, the system notifies the applicant or service provider that the commitment is past the invoice deadline.

3 *See* Appeal.

4 *See* 47 C.F.R. § 54.645(b) (“All invoices must be received by the Administrator within six months of the end date of the funding commitment.”); *see also Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16778, 16804, para. 305 (2012) (*HCF Order*) (stating the same); FCC Form 463 Instructions, Rural Health Care Universal Service, Healthcare Connect Fund, Invoice and Request for Disbursement Form, OMB 3060-0804, at 3 (Aug. 2013) (*FCC Form 463 Instructions*).

USAC has reviewed the Appeal and the facts related to this matter and has determined that Charter failed to certify the FY 2015 FCC Form 463 for FRN 15768411 within six months of the end date of the funding commitment, as required by FCC rules. Specifically, FCC rules require that HCPs submit all FCC Forms 463 within six months of the end date of the funding commitment.4 In addition, before USAC can process and pay an invoice, both the HCP and the service provider

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must ceratify that they have reviewed the invoice and that it is accurate.5 FCC rules also require parties seeking waivers of the Commission’s rules to seek relief directly from the Commission.6

5 47 C.F.R. § 54.645(b).

6 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

7 FY 2015 FCC Form 462 for FRN 15768411 (Mar. 22, 2016).

8 *Id.*

9 FY 2015 Funding Commitment Letter (FCL) for FRN 15768411 (Apr. 5, 2016).

10*Id.* (noting that St. Joseph is eligible for funding for the period between Dec. 21, 2015 and Dec. 20, 2016).

11 *Id*.

12 FY 2015 FCC Form 463 for FRN 15768411 (May 8, 2017).

13 Email from the Rural Health Care Division, USAC, to Marcia Evans, Charter Fiberlink CCO, LLC (May 8, 2017).

14 *See* Appeal.

15 *Id.*

16 *Id.*

17 *Id.*

18 47 C.F.R. § 54.645(b).

On March 22, 2016, St. Joseph submitted its FY 2015 FCC Form 462 (Funding Request Form) requesting support for Ethernet service from Charter under FRN 15768411.7 On its FCC Form 462, St. Joseph noted December 21, 2015 as the funding start date and December 20, 2016 as the funding end date.8 On April 5, 2016, USAC designated the contract associated with FRN 15768411 as Evergreen and issued a funding commitment letter (FCL) for FRN 15768411.9 The FCL listed December 21, 2015 and December 20, 2016 as the funding start and end dates, respectively.10 The invoicing deadline for FRN 15768411 was June 20, 2017 (six months after the end date of the funding commitment).11

On May 8, 2017, St. Joseph initiated the FCC Form 463 process by submitting the form in the My Portal system.12 On that same day, USAC sent a notice to Charter indicating that the form was ready for review and approval. 13 However, Charter did not review and certify the form before the June 20, 2017 deadline. As a result, Charter was unable to submit the FCC Form 463 for FRN 15768411 before the invoicing deadline. On February 2, 2018, Charter submitted an appeal on behalf of St. Joseph that sought a waiver of the invoicing deadline.14

In the Appeal, Charter states that it attempted to certify the FCC Form 463 for FRN 15768411 on December 28, 2017, but was unable to do so.15 Charter claims that since the contract associated with FRN 15768411 was deemed Evergreen, the last day for Charter to certify and submit the invoice was December 30, 2017.16 Charter requests that USAC “re-open the invoice” so that Charter may review and approve the invoice.17

As noted above, USAC cannot remit payment until both the HCP and the service provider have reviewed and attested to the accuracy of the invoice, and the invoice must be submitted within six months of the end date of the funding commitment.18 The funding end date for FRN 15768411 was December 20, 2016; therefore, Charter was required to certify and submit the invoice by June 20, 2017 (six months after the end date of the funding commitment). However, Charter failed to review

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Therefore, USAC hereby dismisses the Appeal.

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and certify theFCC Form 463 forFRN15768411 before the June 20, 2017 invoicing deadline, and, asa result, the invoicewas not submitted by the invoicing deadline.Becausethe Appeal seeksa waiver of the invoicing deadline, Chartermust seek relief directlyfrom theCommission, notUSAC.19Therefore, USAC hereby dismissesthe Appeal.

Ifyou wish to appeal this decision or request a waiver, you can follow the instructions pursuant to 47

C.F.R. Part 54, Subpart I(47 C.F.R. §§ 54.719 to 725). Further instructions forfiling appeals orrequesting waivers are also available at:

http://www.usac.org/about/about/program-integrity/appeals.aspx

Sincerely,

/s/ Universal Service Administrative Company

cc:Jessica F. Hodgkins, Ascension Information Services

1947 C.F.R. § 54.719(c).

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