

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554
CC Docket No. 02-6

I am submitting this letter of appeal and 486 filing deadline waiver request denial of E-rate FY 2015 funding request for denial of funding requests 1699011640, 1699011652, 1699011660, the entity was overbudget. The entity was clearly brought back under budget during PIA.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Berlin Twp
471 Application Number:	161003814
Billed Entity Number:	123306
FRN:	1699011640, 1699011652, 1699011660
Service Provider:	The Breaker Group, Core BTS Inc

Denial Reasoning: DR1: The Category Two budget for BEN 8787 is \$44,100.00. Your total requested Category Two pre-discount funding amount for BEN 8787 exceeds this entity's Category Two Budget by: \$1,433.48. This funding request is being denied because you have not authorized sufficient modifications to the Category Two funding requests to bring this BEN within its allowable Category Two budget.

The issue in this case boils down simply to this: The entity 8787 was brought under budget during PIA review. Most of the PIA review occurred in the EPC portal, however the last question regarding the budget was issued in writing due to EPC issues and was therefore responded to in writing.

A PIA request from Eric Williams was issued in writing on 2/1/17. This is a different reviewer and different process used for the rest of the PIA questions. All other questions were issued and responded to in EPC by Gifty Matthew. The handoff to w written format given that there were EPC issues is where the problem takes place. On 1/17 a PIA was issued in EPC but was not accessible. This issue was brought to the reviewers attention via email (attached). It was subsequently handed off to Eric Williams.

A response in writing was sent to Eric Williams on 2/10/17. The budget spreadsheet sent to him reduced the requested amount by \$1,433.48 which brought the entity on par with the budget. This response meant the entity was no longer over budget.

The insufficiencies of the EPC have had a great impact on many applications. This is just another example. Human error is entirely possible and even forgivable. USAC's live roll out of the EPC portal and its ability to keep it fully functional for applicants subjects it to both system issues and human error. Somewhere during the transition of this PIA the integral response was not utilized by the PIA review. There are seemingly no follow up processes that USAC regularly uses to ensure responses are received and there is no regulatory oversight to ensure reviewers are giving applicants every chance of fairly getting their applications funded. Had this right been afforded to the application it would not need an appeal.

Given that this is merely on a clerical error from USAC, the Parties respectfully request that the SLD process this letter and restore the funding for Boonton Twp. A through competitive bidding process was completed for a dark fiber project as being denied. Based on the Bishop Perry Order we request that the clerical error on the 471 listing self-provisioned fiber and be amended to Dark Fiber. All other aspects of this 470 post and 471 filing are in full compliance.

The FCC is fully aware of the administrative and processing failures USAC as a whole. We requested that this application be restored to full funding to protect the district from USAC's mishandling of the E-rate process and to stay true to USAC's and the FCC's mission of assisting schools and libraries in bridging the Wi-Fi and connectivity gap.

Furthermore we request a waiver of the 60 day USAC deadline and 30 day FCC Appeal deadline. In accordance with FCC Order 07-36, the missed deadlines are a procedural error, and not a failure to adhere to the core program requirement or misuse of funds. we argue the violations that were procedural, not and should therefore be granted. We would also refer back to the Bishop Perry, that overturns denials based on administrative errors and in this case the error was USAC's. If they had not made the initial error in denying this application this appeal would not be necessary. All responses were timely filed to USAC with the information being 100% correct.

Thank you for reviewing this appeal. Please use the contact information below.

Sean Cuskey, Director of Operations, E2e Exchange LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, stc@e2eexchange.com

Sincerely,

Sean Cuskey

Director of Operations