

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of	)	
	)	
Rural Health Care Support Mechanism	)	WC Docket No. 02-60
	)	
Request for Waiver by	)	Funding Request 17154911
INTEGRIS TeleHealth Network	)	
of the Commission's Rules	)	

**REQUEST FOR WAIVER OF  
THE DARK FIBER INSTALLATION DEADLINE  
FOR FUNDING YEAR 2017**

Pursuant to section 54.719(c) of the Commission's rules, INTEGRIS TeleHealth Network (INTEGRIS) hereby requests a waiver of section 54.634(b)(1) of the Commission's rules for the above-referenced application.<sup>1</sup> That rule provides that dark fiber must be lit within the same funding year, and that applicants may receive a one-year extension of the installation deadline if construction is unavoidably delayed. For the reasons set forth below, we request that the Wireline Competition Bureau (Bureau) grant this waiver request, and any other waivers necessary, to allow INTEGRIS 12 months from the grant of the requested waiver to complete installation.

**I. BACKGROUND**

INTEGRIS TeleHealth Network is the largest healthcare system in Oklahoma. It comprises hundreds of hospitals, specialty clinics, family care practices, and centers of excellence.

On June 26, 2017, INTEGRIS filed an FCC Form 462 for funding year 2017, seeking Healthcare Connect Fund funding for a dark fiber IRU project to complete their core network fiber ring, which will then provide a more robust infrastructure to support all INTEGRIS facilities in the

---

<sup>1</sup> 47 C.F.R. § 54.719(c); 47 C.F.R. § 54.634(b)(1). The FRN is 17154911.

entire statewide network. INTEGRIS' network is approximately 82% rural and adequate connectivity between core urban facilities is vital in order to support the strong rural presence in Oklahoma.

In funding year 2017, the total amount of RHC funding requested by applicants significantly exceeded the \$400 million annual cap on the RHC fund.<sup>2</sup> As a result, USAC issued prorated funding requests, as required by RHC program rules.<sup>3</sup> Funding requests filed by consortia, such as INTEGRIS, were reduced by 25.5 percent.<sup>4</sup> INTEGRIS received its prorated funding commitment on March 16, 2018, which committed \$817,855.38 of the \$1,098,285.98 that INTEGRIS had requested in the above-captioned funding request (FRN).<sup>5</sup> Its funding commitment letter listed a funding end date of June 30, 2018.<sup>6</sup> Without the full amount of requested funding, INTEGRIS would not be able financially to undertake the project at all.

On June 25, 2018, the Commission released an order that raised the RHC funding cap from \$400 million to \$571 million, to allow full funding of all eligible funding year 2017 requests.<sup>7</sup> USAC subsequently sent out a revised funding commitment letter to INTEGRIS on July 16, 2018, announcing that in light of the funding cap increase, "all previously approved FY2017 funding requests [would] receive 100% of their approved funding amount."<sup>8</sup>

On August 14, Marci White of Kellogg & Sovereign Consulting, LLC emailed USAC on behalf of INTEGRIS and asked what the installation deadline would be now that the project was

---

<sup>2</sup> See *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, FCC 18-82, ¶ 6 (rel. June 25, 2018) (*RHC Funding Cap Order*).

<sup>3</sup> *Id.* ¶ 7.

<sup>4</sup> *Id.*

<sup>5</sup> Exhibit 1, Rural Health Care HCF Funding Commitment Letter.

<sup>6</sup> *Id.*

<sup>7</sup> *RHC Funding Cap Order*, ¶ 3.

<sup>8</sup> Exhibit 2, USAC HCF Revised Funding Commitment Letter.

fully funded.<sup>9</sup> Eight days later, Ms. White inquired again, noting that INTEGRIS “need[ed] to present to an executive committee and need[ed] the information as soon as possible.”<sup>10</sup>

On August 29, 2018, USAC responded to Ms. White’s email and told her that “Commitments associated with one-time costs should occur in the funding year for which the funding was committed.”<sup>11</sup> In other words, the installation deadline for the dark fiber project was still June 30, 2018, even though INTEGRIS did not receive any funding commitment until March 16, 2018, and did not receive its full funding commitment until July 16, 2018.

Ms. White immediately responded to USAC and explained that the three months between the initial funding commitment and the installation deadline had not been nearly enough time for INTEGRIS to complete construction and implementation of its fiber project, even if it had received the full amount it requested in March.<sup>12</sup> Ms. White also explained that INTEGRIS had had to get corporate approval to shift the funding of the 35 percent of the project for which it was responsible to its current fiscal year.<sup>13</sup> Ms. White protested that now that INTEGRIS had finally secured all of the funding for the project from USAC, it was being told that it was out of time to complete the construction and implementation.<sup>14</sup>

Hearing nothing back from USAC, on September 21, 2018, Ms. White sent another email asking USAC to “accept this as a formal request for an extension . . . per the HCF order.”<sup>15</sup> Ms. White cited section 54.634(b)(1) of the Commission’s rules, which provides that applicants seeking

---

<sup>9</sup> Exhibit 3, Email from Marci White to USAC, Aug. 14, 2018.

<sup>10</sup> Exhibit 4, Email from Marci White to USAC, Aug. 24, 2018.

<sup>11</sup> Exhibit 5, Email from USAC to Marci White, Aug. 29, 2018.

<sup>12</sup> Exhibit 6, Email from Marci White to USAC, Aug. 29, 2018.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Exhibit 7, Email from Marci White to USAC, Sept. 21, 2018.

funding for dark fiber projects “may receive up to a one-year extension to light fiber if they provide documentation to the Administrator that construction was unavoidably delayed due to weather or other reasons.”<sup>16</sup> Ms. White explained that the build-out was expected to take 10-12 months due to its size and scope, and that INTEGRIS could not possibly have completed it by the original implementation deadline, which, again, was only three months after INTEGRIS received its prorated funding commitment. This extension request remains pending at USAC.<sup>17</sup>

Given how long the construction and implementation of the dark fiber project is expected to take, INTEGRIS can no longer complete the project by the deadline even if USAC were to grant the requested one-year extension. Accordingly, INTEGRIS seeks a waiver of the dark fiber installation deadline, and respectfully requests an extension of 12 months from the date the waiver is granted.

## **II. A WAIVER OF THE COMMISSION’S SERVICE INSTALLATION DEADLINE IS IN THE PUBLIC INTEREST**

INTEGRIS respectfully requests a waiver of the Commission’s rules in order to complete its fiber project. Section 54.634(b)(1) provides that dark fiber must be lit within the same funding year, and that applicants may receive a one-year extension of the installation deadline if construction is unavoidably delayed. INTEGRIS’s project has been unavoidably delayed due to reasons beyond its control, namely, administrative delays in the processing of its funding request. INTEGRIS therefore qualifies for a one-year extension of the installation deadline pursuant to the Commission’s *Healthcare Connect Fund Order*.

---

<sup>16</sup> 47 C.F.R. § 54.634(b)(1); *see also Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16738 ¶ 129 (2012) (adopting the one-year extension provision).

<sup>17</sup> INTEGRIS also appealed the original, prorated funding commitment in March 2018, arguing that USAC had erroneously denied parts of INTEGRIS’s application based on incorrect bed counts. That appeal, which is not directly relevant to the instant request for waiver, also remains pending at USAC.

Had USAC granted such an extension in a timely fashion, there likely would have been no need for INTEGRIS to file this waiver request. But USAC has not yet granted an extension, and nearly two months have elapsed since USAC first informed INTEGRIS that it was still expected to meet the June 30, 2018 installation deadline. INTEGRIS now will not be able to complete the installation on time even if USAC does eventually extend its deadline.<sup>18</sup> This is a big project requiring 10 to 12 months' worth of construction and implementation. Due to the uncertainty surrounding first the funding commitment, and then whether INTEGRIS would be given extra time to complete the project given the extreme delay in receiving its funding commitment, INTEGRIS has not yet been able to begin construction at all. There is thus no possible way that INTEGRIS will be able to complete installation by June 30, 2019, which is only eight months away.

Any of the Commission's rules may be waived if good cause is shown.<sup>19</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>20</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>21</sup>

As an initial matter, recent Bureau precedent supports a grant of the instant waiver request. In May 2018, the Bureau adopted an order granting an E-rate service implementation extension involving circumstances similar to those faced by INTEGRIS.<sup>22</sup> The Bureau noted that USAC's

---

<sup>18</sup> This is why INTEGRIS is filing the instant request for waiver now, rather than waiting for USAC's decision: At this point, INTEGRIS will need more time even if USAC does eventually grant the one-year extension to June 30, 2019.

<sup>19</sup> 47 C.F.R. § 1.3.

<sup>20</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>21</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>22</sup> *Request for Waiver by Utah Education and Telehealth Network, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 18-473 (Wireline Comp. Bur. 2018).

delay in processing the FY 2016 funding request submitted by the Utah Education and Telehealth Network (UETN) and the initial denial of UETN's application left UETN with an inadequate amount of time to complete its complex special construction project.<sup>23</sup> The Bureau also noted that UETN's service provider would not continue with construction absent waiver of the service implementation deadline because it would not have sufficient time to complete the installation of services.<sup>24</sup> The Bureau granted UETN an additional two years to complete its project.<sup>25</sup>

Just two weeks ago, the Bureau granted a similar waiver request to Grants/Cibola County School District.<sup>26</sup> There, the school district had had to halt work on a special construction project pending completion of a program compliance review by USAC. Once the review was completed, the school district's service provider could not complete the project by the service implementation deadline.<sup>27</sup> In response, the Bureau granted the waiver and gave Grants/Cibola an additional 18 months to complete its construction, notwithstanding the fact that USAC had already granted a nine-month extension.<sup>28</sup>

While the *UETN Order* and the *Grants/Cibola Order* were E-rate orders, the facts are comparable, and the reasoning and public interest concerns apply equally here. Just like UETN and Grants/Cibola, INTEGRIS faced delays in the processing of its application through no fault of its own, and was forced to postpone construction as a result. As in UETN and Grants/Cibola, it would be contrary to the public interest to, in effect, withdraw funding where the applicant has

---

<sup>23</sup> *Id.* ¶ 10.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Requests for Waiver by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, DA 18-1060 (Wireline Comp. Bur., rel. Oct. 17, 2018).

<sup>27</sup> *Id.* ¶ 10.

<sup>28</sup> *Id.* ¶ 11.

acted in good faith every step of the way and is eager to complete the construction, but simply needs additional time.

The facts and analysis in these E-rate waiver orders may—and should—inform the Bureau’s approach to the instant request. At the same time, though, the instant waiver request is necessary because of circumstances unique to the Rural Health Care program: namely, the unprecedented demand for funding in funding year 2017, which led to lengthy delays in the issuance of full funding commitments to applicants. The Commission fixed the funding shortfall in its June order, but it did not address the problem that the shortfall inevitably created: insufficient time left in the funding year for applicants to complete construction projects by the deadline. The Commission likely did not consider it necessary to address this issue because its rules already provide for a one-year extension for dark fiber construction projects where the construction was unavoidably delayed.<sup>29</sup> And indeed, if USAC had simply granted this one-year extension to INTEGRIS (and similarly situated applicants) in August, INTEGRIS likely would have been able to complete its project without seeking a waiver of the deadline. Frankly, INTEGRIS expected that USAC would grant its extension request promptly, and has no idea why USAC has not done so.

Granting this waiver request would result in more effective implementation of Rural Health Care policy. USAC’s inaction is tantamount to a rescission of funding, because INTEGRIS cannot take advantage of its funding commitment if it is not allowed sufficient time to complete construction and implementation. Without the requested waiver, INTEGRIS will be unable to improve communications and technological capabilities among its hundreds of member hospitals and other medical facilities. Without timely action by the Bureau granting the requested waiver, INTEGRIS will have to re-issue a new procurement next year, go through the entire competitive

---

<sup>29</sup> 47 C.F.R. 54.634(b)(1).

bidding process again, submit an application and likely not receive a funding commitment until at least this time next year.<sup>30</sup> Through no fault of its own, INTEGRIS would have to expend considerable efforts to conduct another competitive bidding process and wait another two years before being able to receive the upgraded services this project will provide to rural HCPs. This outcome is contrary to the goals of the Rural Health Care program, particularly where, as here, the applicant has not even violated a Commission rule.

We emphasize that INTEGRIS itself was responsible for none of the delay here. As we have noted, INTEGRIS could not possibly have begun construction before receiving its funding commitment, in part because it needed to shift its own portion of the cost from one fiscal year to the next. Once it received its funding commitment, INTEGRIS acted promptly to secure the corporate approvals needed to shift its own spending into the current fiscal year. INTEGRIS's consultant contacted USAC promptly to inquire about its installation deadline, and followed up immediately to explain the need for the extension. Almost two months later, INTEGRIS is still waiting for USAC. INTEGRIS's inability to complete its construction project on time is due entirely to administrative delay, so INTEGRIS should not be penalized for it.

Finally, we ask the Bureau to consider how the E-rate program handles late funding commitments. Section 54.507(d)(4)(i) of the Commission's rules provides that an E-rate applicant is entitled to an automatic one-year extension of the September 30 service implementation deadline if USAC issues its funding commitment decision letter on or after March 1 of the same funding year.<sup>31</sup> This approach makes good sense from a policy perspective: if an applicant's funding is uncertain well into the funding year, it is only fair to give that applicant extra time to complete its

---

<sup>30</sup> The funding year 2018 rural health care commitments have not yet been released because the funding requests are still under review.

<sup>31</sup> 47 C.F.R. § 54.507(d)(4)(i).



project. INTEGRIS is asking for nothing more than that: it simply did not have enough time to complete its project within the funding year because there were only three months left when it received its initial, prorated funding commitment. The Rural Health Care rules do not have an extension provision comparable to the one in the E-rate rules for late-issued funding commitments, but INTEGRIS respectfully argues that the policy considerations here merit similar treatment.

INTEGRIS believes that denying HCF funding under the circumstances described in this waiver request would be unjust, and that waiving the dark fiber installation deadline would be efficient and consistent with the public interest. Accordingly, INTEGRIS respectfully argues that a waiver of the Commission's rules is in the public interest.

### **III. CONCLUSION**

For the foregoing reasons, INTEGRIS respectfully asks that the Bureau grant its request for waiver of section 54.634(b)(1) of the Commission's rules. INTEGRIS asks that it be given 12 months from the grant of its waiver request to complete the fiber installation and to utilize its funding commitment. INTEGRIS also seeks the waiver of any other Commission rules necessary to effectuate the relief requested.

Respectfully submitted,

/s/ Gina Spade

---

Gina Spade  
Broadband Legal Strategies  
1629 K Street, NW Suite 300  
Washington, DC  
DC Bar # 452207  
gina@broadbandlegal.com  
202-907-6252

*Counsel for INTEGRIS TeleHealth Network*

October 30, 2018

### **CERTIFICATE OF SERVICE**

This is to certify that on this 30<sup>th</sup> day of October, 2018, a true and correct copy of the foregoing Request for Waiver was sent via email to the Rural Health Care Division, Universal Service Administrative Company at the [RHC-appeals@usac.org](mailto:RHC-appeals@usac.org) address.

/s/ Theresa Schrader

---

Theresa Schrader

### Exhibit List

- Exhibit 1     Rural Health Care HCF Funding Commitment Letter
- Exhibit 2     USAC HCF Revised Funding Commitment Letter
- Exhibit 3     Email from Marci White to USAC, Aug. 16, 2018
- Exhibit 4     Email from Marci White to USAC, Aug. 24, 2018
- Exhibit 5     Email from USAC to Marci White, Aug. 29, 2018
- Exhibit 6     Email from Marci White to USAC, Aug. 29, 2018
- Exhibit 7     Email from Marci White to USAC, Sept. 21, 2018

## **EXHIBIT 1**

## Marci White

---

**From:** rhcadmin@usac.org  
**Sent:** Saturday, March 17, 2018 2:33 AM  
**To:** rhc  
**Subject:** Rural Health Care HCF Funding Commitment Letter (FCL): HCP 44495, FRN 17154911

**Funding Commitment Letter Date:** 3/16/2018

**Invoicing Deadline:** 12/31/2021

**Funding Year:** 2017

**Health Care Provider (HCP) Name:** INTEGRIS TeleHealth Network

**HCP Number:** 44495

**HCP Contact Name:** Pamela Forducey

**HCP Contact Email:** pam.forducey@integrisok.com

**HCP Contact Phone:** (405) 713-4433

**FCC Form 461 Application Number:** 100015687

**Funding Request Number:** 17154911

Dark Fiber IRU Build

Original Undiscounted Total FY17 - \$ 1,663,880.95

Max INTEGRIS out-of-pocket w/no appeal win -  
\$805,372.23

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.

**Total Committed Funding:** \$817,855.38

**HCP Physical Location:** 3500 NW 56th Street, Suite 200, Oklahoma City, OK 73112

**Service Provider Name:** Chickasaw Telecommunications Services, Inc.

**Service Provider Identification Number (SPIN):** 143013786

### Multiple Expense Information

Expense Item	Funding Start Date	Funding End Date	Undiscounted Recurring Expense	Undiscounted Non-Recurring Expense	Recurring Funding Amount	Non-Recurring Funding Amount	Total Funding Amount	Committed Funding Amount
1	7/01/2017	6/30/2018	\$0.00	\$26,552.05	\$0.00	\$17,258.83	\$17,258.83	\$12,852.05
2	7/01/2017	6/30/2018	\$0.00	\$1,385,738.10	\$0.00	\$900,729.77	\$900,729.77	\$670,742.11

45568	3	7/01/2017	6/30/2018	\$0.00	\$20,984.85	\$0.00	\$13,640.15	\$13,640.15	\$10,157.35
44510	4	7/01/2017	6/30/2018	\$0.00	\$119,973.97	\$0.00	\$77,983.08	\$77,983.08	\$58,071.29
47823	5	7/01/2017	6/30/2018	\$0.00	\$97,736.95	\$0.00	\$63,529.02	\$63,529.02	\$47,307.85
44444	6	7/01/2017	6/30/2020	\$1,074.58	\$0.00	\$25,145.17	\$0.00	\$25,145.17	\$18,724.73

### Contract Summary

Expense Item	Contract ID	Contract Sign Date	Contract End Date	Determination
1	948723	6/26/2017	6/26/2037	Evergreen
2	948723	6/26/2017	6/26/2037	Evergreen
3	948723	6/26/2017	6/26/2037	Evergreen
4	948723	6/26/2017	6/26/2037	Evergreen
5	948723	6/26/2017	6/26/2037	Evergreen
6	948723	6/26/2017	6/26/2037	Evergreen

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

**Year One:** \$805,372.23

**Year Two:** \$6,241.58

**Year Three:** \$6,241.58

The pro-rata factor for this filing window period is 74.46652%.

This funding request was submitted during FY2017 Filing Window 1 (Consortia). All qualifying requests submitted within the filing window period will receive a pro-rated percentage of the total funds available during FY2017 Filing Window 1 (Consortia) based on the total amount of qualifying funding requested during the filing window period. For each filing window period, if the total demand for RHC Program funding exceeds the total remaining funding available for the fund year, USAC will apply a pro-rata factor to each funding request. Learn more about funding request filing window periods [here](#).

About pro-ration:

- If the final total dollar value of all qualifying funding requests exceeds the \$400 million cap for all qualifying funding requests by the close of a filing window period, qualifying funding requests submitted during that filing window period will receive a pro-rated percentage of the total funds available during the filing window period.
- If the final total dollar value of all qualifying upfront payments and qualifying multi-year funding requests exceeds \$150 million by the close of a filing window period, qualifying upfront payments and qualifying multi-year funding requests will receive a pro-rated percentage of the annual \$150 million limit on funding for upfront payments and multi-year funding requests. This annual limit on upfront payments and multi-year payments is included in, and not in addition to, the aggregate \$400 million annual cap on all qualifying funding requests. 47 C.F.R. § 54.675 (a)

**Evergreen:** For the life of the original term of the contract, the HCP is not required to re-complete 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.

For a single Funding Year, if the total undiscounted one-time upfront costs for a consortium are more than \$50,000 when divided by the total number of eligible HCPs in the consortium, then those one-time upfront costs must be pro-rated over three years.

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 must file an appeal with USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available on the USAC website at <http://usac.org/about/about/program-integrity/appeals.aspx>.

For questions or assistance, or if this email has been received in error, contact Rural Health Care at (800) 453-1546, between 8:00 a.m. and 5:00 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.



## **EXHIBIT 2**

## Marci White

**From:** USAC Rural Health Care Program <rhc-donotreply@lists.universalservice.org>  
**Sent:** Monday, July 16, 2018 7:25 AM  
**To:** rhc  
**Subject:** RHC Program HCF Revised Funding Commitment Letter

[View this message as a web page](#)



July 16, 2018

**Funding Commitment Letter Date:** July 16, 2018

**Funding Year:** 2017

**Attn:** Deborah Sovereign

The Rural Health Care (RHC) division of the Universal Service Administrative Company (USAC) has previously 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 and determined that the HCP is eligible for funding.

This funding request was submitted during FY2017 Filing Window 1. All qualifying requests submitted within this filing window period received a pro-rated percentage of the total funds available based on the total amount of qualifying funding requested during the filing window period. Subsequently, the FCC issued an Order that increases the annual RHC Program funding cap and applies the increase to FY2017. Due to the increase in the RHC Program funding cap for FY2017, all previously approved FY2017 funding requests will receive 100% of their approved funding amount. The pro-rated percentage that was previously applied to this funding request has been removed, and the revised total funding commitment amount is provided below. For all other information related to this FRN, please refer to your original funding commitment letter. It is the HCP's responsibility to review this FCL and verify that all information is accurate. The table below contains the Revised Committed Amount for each FRN where you are listed as an account holder in My Portal.

HCP Number	HCP Name	FRN	Revised Commitment Amount
10265	Sidney Health Center	17233981	\$27,599.98
10265	Sidney Health Center	17234201	\$5,108.52
10265	Sidney Health Center	17234411	\$302.24
10265	Sidney Health Center	17234661	\$64,344.38
10711	North Arkansas Regional M	17116871	\$7,749.67
14313	Unity Medical Center	17186371	\$4,585.00
14313	Unity Medical Center	17201821	\$4,551.30
15227	Arbuckle Memorial Hospita	17212961	\$61,879.99
15227	Arbuckle Memorial Hospita	17213011	\$3,964.99

15237	Holdenville General Hospi	17270711	\$41,810.59
15237	Holdenville General Hospi	17270771	\$29,035.48
31293	Shortgrass Community Heal	17238491	\$10,550.51
33744	Oklahoma Mental Health Co	17139131	\$37,354.65
33744	Oklahoma Mental Health Co	17247821	\$577,207.48
33801	Arkansas Verdigris Valley	17271271	\$18,314.29
34340	Grand Lake Mental Health	17171311	\$108,536.33
34340	Grand Lake Mental Health	17221501	\$771,471.96
34340	Grand Lake Mental Health	17223081	\$204,401.58
34340	Grand Lake Mental Health	17223921	\$44,720.00
35384	Oklahoma Department of Me	17118901	\$368,121.90
36323	Northeastern Oklahoma Com	17279291	\$175,202.24
36323	Northeastern Oklahoma Com	17280491	\$23,756.84
41642	CREOKS Mental Health Serv	17221301	\$8,514.98
41655	Holdenville General Hospi	17106001	\$20,747.98
43498	NeoHealth Salina Family M	17109061	\$779.61
43630	Muscogee (Creek) Nation	17204991	\$153,762.76
43721	Sidney Health MonDak Fami	17234541	\$1,429.42
44238	Pushmataha Family Medical	17232181	\$22,333.01
44495	INTEGRIS TeleHealth Netwo	17148751	\$84,928.40
44495	INTEGRIS TeleHealth Netwo	17153671	\$54,574.34
44495	INTEGRIS TeleHealth Netwo	17154911	\$1,098,285.98
44495	INTEGRIS TeleHealth Netwo	17220981	\$130,640.38
44495	INTEGRIS TeleHealth Netwo	17221201	\$288,039.08
45099	Mental Health Services of	17241131	\$273,644.65
45099	Mental Health Services of	17245701	\$6,841.92
45706	Grady Memorial Telehealth	17224461	\$30,781.34
45706	Grady Memorial Telehealth	17237821	\$1,333.00
46577	Rural Health Network of O	17243961	\$38,625.57
46665	Variety Care, Inc.	17272201	\$22,202.71
46665	Variety Care, Inc.	17272621	\$82,194.80
46665	Variety Care, Inc.	17272911	\$50,027.10
47469	Community Health Centers,	17255181	\$142,651.04
47469	Community Health Centers,	17266461	\$269,586.95
48078	Arkansas Verdigris Valley	17267841	\$7,562.51
48078	Arkansas Verdigris Valley	17271261	\$48,986.45
48215	Hugo KFMC	17243591	\$6,499.99
51747	Caring Hand Healthcare Ne	17211691	\$67,761.19
52520	Central Oklahoma Family M	17243711	\$52,138.31
52520	Central Oklahoma Family M	17243851	\$1,076.39
52520	Central Oklahoma Family M	17243891	\$21,417.94
52520	Central Oklahoma Family M	17257881	\$82,217.16
53661	NARMC Berryville Clinic	17214351	\$4,562.98
53726	Rehoboth McKinley Christi	17269131	\$192,516.15
53726	Rehoboth McKinley Christi	17269791	\$33,679.92

Please note that the HCP Name in the table above only displays the first 25 characters.

### Appeals:

Before submitting an appeal, contact the RHC Help Desk. To appeal this pro-ration adjustment, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:

<http://www.usac.org/about/about/program-integrity/appeals.aspx>. Details about and definitions of all terms used in this FCL are provided on the USAC website ([www.usac.org/rhc](http://www.usac.org/rhc)).

For questions or assistance, or if this email has been received in error, contact Rural Health Care at (800) 453-1546, between 8:00 a.m. and 5:00 p.m. Eastern Time Monday through Friday or by email at [rhc-assist@usac.org](mailto:rhc-assist@usac.org).

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

You are receiving this as [rhc@kelloggllc.com](mailto:rhc@kelloggllc.com).

Please do not reply to this email; instead, [email us](#) if you have questions.

**Universal Service Administrative Company**

700 12th Street NW, Suite 900 • Washington, DC 20005 • [usac.org](http://www.usac.org)

© 1997-2018, USAC. All Rights Reserved.

## **EXHIBIT 3**

## Marci White

---

**From:** rhc-assist@usac.org  
**Sent:** Thursday, August 16, 2018 8:45 AM  
**To:** Marci White  
**Cc:** rhc  
**Subject:** Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Hi Marci,

Thank you for reaching out to us. We have escalated your information along to the appropriate team. If we need additional information or have questions, we will reach out to you directly.

Please let us know if you have any additional questions or concerns by emailing us at [rhc-assist@usac.org](mailto:rhc-assist@usac.org).

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
[RHC-Assist@usac.org](mailto:RHC-Assist@usac.org)

On 8/14/2018 4:45 PM, Marci White wrote:

Can you tell me how long the HCP has to install this project? I see that the invoicing deadline was extended but want to check their install deadlines.  
Thanks!

Regards,  
Marci



**Marci L. White** | BS, Ed  
Kellogg & Sovereign® Consulting | Executive Director  
p. 580-559-8316 c. 405-600-4676 o. 580-332-1444  
[web](#) [twitter](#) [linkedin](#) [facebook](#) [instagram](#)

## **EXHIBIT 4**

Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

From: Marci White  
Sent: Friday, August 24, 2018 11:32 AM  
To: rhc-assist@usac.org  
Cc: rhc; Dennis Byford; Barnes, Eugene A.  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Has anyone been able to get an answer to this question? Our HCP needs to present to an executive committee and needs the information as soon as possible. Thanks!  
Get Outlook for Android

From: rhc-assist@usac.org <rhc-assist@usac.org>  
Sent: Thursday, August 16, 2018 8:45:20 AM  
To: Marci White  
Cc: rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Hi Marci,

Thank you for reaching out to us. We have escalated your information along to the appropriate team.

If we need additional information or have questions, we will reach out to you directly.

Please let us know if you have any additional questions or concerns by emailing us at rhc-assist@usac.org.

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
RHC-Assist@usac.org

On 8/14/2018 4:45 PM, Marci White wrote:  
Can you tell me how long the HCP has to install this project? I see that the invoicing deadline was extended but want to check their install deadlines.  
Thanks!

Regards,  
Marci



Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt  
Marci L. White ? BS, Ed  
Kellogg & Sovereign® Consulting ? Executive Director  
p. 580-559-8316 c. 405-600-4676 o. 580-332-1444  
web twitter linkedin facebook instagram

FW Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

From: Marci White  
Sent: Monday, August 27, 2018 9:53 AM  
To: 'Dennis.Byford@integrisok.com'; Barnes, Eugene A. (Eugene.Barnes@integrisok.com)  
Cc: Kellogg & Sovereign RHC (rhc@kelloggllc.com)  
Subject: FW: Dark Fiber Project Question - HCP 44495 FRN 17154911

I received a voicemail from USAC on Friday afternoon and they are addressing the question to some of their leadership and said that they will respond by email today. I will forward if you are not copied on the response.

Marci

--

Marci L. White, BS | 580-559-8316 Direct | mwhite@kelloggllc.com |  
www.rhcprogram.com

From: Marci White  
Sent: Friday, August 24, 2018 11:32 AM  
To: rhc-assist@usac.org  
Cc: rhc <rhc@kelloggllc.onmicrosoft.com>; Dennis Byford <dennis.byford@integrisok.com>; Barnes, Eugene A. <eugene.barnes@integrisok.com>  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Has anyone been able to get an answer to this question? Our HCP needs to present to an executive committee and needs the information as soon as possible. Thanks!  
Get Outlook for Android

From: rhc-assist@usac.org <rhc-assist@usac.org>  
Sent: Thursday, August 16, 2018 8:45:20 AM  
To: Marci White  
Cc: rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Hi Marci,

Thank you for reaching out to us. We have escalated your information along to the appropriate team.  
If we need additional information or have questions, we will reach out to you directly.

FW Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

Please let us know if you have any additional questions or concerns by emailing us at rhc-assist@usac.org.

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
RHC-Assist@usac.org

On 8/14/2018 4:45 PM, Marci White wrote:  
Can you tell me how long the HCP has to install this project? I see that the invoicing deadline was extended but want to check their install deadlines.  
Thanks!

Regards,  
Marci

Marci L. White ? BS, Ed  
Kellogg & Sovereign® Consulting ? Executive Director  
p. 580-559-8316 c. 405-600-4676 o. 580-332-1444  
web twitter linkedin facebook instagram

## **EXHIBIT 5**

Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

From: rhc-assist@usac.org  
Sent: Wednesday, August 29, 2018 8:35 AM  
To: Marci White  
Cc: dennis.byford@integrisok.com; eugene.barnes@integrisok.com; rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Good Morning Marci,

Thanks for reaching out to us. Commitments associated with one-time costs should occur in the

funding year for which the funding was committed. I hope this helps.

Please let us know if you have any additional questions or concerns by emailing us at rhc-assist@usac.org.

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
RHC-Assist@usac.org

On 8/24/2018 12:31 PM, Marci White wrote:

Has anyone been able to get an answer to this question? Our HCP needs to present to

an executive committee and needs the information as soon as possible. Thanks!

Get Outlook for Android

-----  
From: rhc-assist@usac.org <rhc-assist@usac.org>  
Sent: Thursday, August 16, 2018 8:45:20 AM  
To: Marci White  
Cc: rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Hi Marci,

Thank you for reaching out to us. We have escalated your information along to the appropriate team.

If we need additional information or have questions, we will reach out to you directly.

Please let us know if you have any additional questions or concerns by emailing us at rhc-assist@usac.org.

Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
RHC-Assist@usac.org

On 8/14/2018 4:45 PM, Marci White wrote:  
Can you tell me how long the HCP has to install this project? I see that the  
invoicing deadline  
was extended but want to check their install deadlines.  
Thanks!

Regards,  
Marci

Marci L. White ? BS, Ed  
Kellogg & Sovereign® Consulting ? Executive Director  
p. 580-559-8316 c. 405-600-4676 o. 580-332-1444  
web twitter linkedin facebook instagram

## **EXHIBIT 6**

Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt

From: Marci White  
Sent: Wednesday, August 29, 2018 10:04 AM  
To: Byford, Dennis W  
Cc: Barnes, Eugene A; rhc; Gina Spade; Blythe Albert  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Yes, we have several additional questions. This is a very large IRU fiber project that wasn't committed by USAC until March 2018 for FY 2017, leaving three months for the HCP to complete construction and implementation in their internal fiscal year that was budgeted for the 35%. That was an impossible time frame and it has taken them since then to re-evaluate their budgets and get approval to spend in the current fiscal year that started on July 1st. This project took almost three years to plan, bid out and prepare for implementation because of its size. Now that they have the funds committed, they are being told that they are out of the fund year to build out the project. Can we schedule a call to discuss this in detail as soon as possible?

Marci White  
Director of Rural Health Care  
Kellogg & Sovereign Consulting, LLC  
580-559-8316 Office  
405-600-4676 Mobile  
mwhite@kelligllc.com

From: Byford, Dennis W <Dennis.Byford@integrisok.com>  
Sent: Wednesday, August 29, 2018 8:41:19 AM  
To: Marci White  
Cc: Barnes, Eugene A; rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Marci,

So what date parameters does that provide?

Thanks,

DB  
Sent from my iPhone

On Aug 29, 2018, at 08:35, "rhc-assist@usac.org" <rhc-assist@usac.org> wrote:



Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt  
EXTERNAL EMAIL - Use caution with any links and file attachments -- INTEGRIS  
Information Security

Good Morning Marci,  
Thanks for reaching out to us. Commitments associated with one-time costs should occur in the funding year for which the funding was committed. I hope this helps.  
Please let us know if you have any additional questions or concerns by emailing us at [rhc-assist@usac.org](mailto:rhc-assist@usac.org).

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company  
[RHC-Assist@usac.org](mailto:RHC-Assist@usac.org)

On 8/24/2018 12:31 PM, Marci White wrote:  
Has anyone been able to get an answer to this question? Our HCP needs to present to an executive committee and needs the information as soon as possible. Thanks!  
Get Outlook for Android

-----  
From: [rhc-assist@usac.org](mailto:rhc-assist@usac.org) <[rhc-assist@usac.org](mailto:rhc-assist@usac.org)>  
Sent: Thursday, August 16, 2018 8:45:20 AM  
To: Marci White  
Cc: rhc  
Subject: Re: Dark Fiber Project Question - HCP 44495 FRN 17154911

Hi Marci,

Thank you for reaching out to us. We have escalated your information along to the appropriate team.  
If we need additional information or have questions, we will reach out to you directly.

Please let us know if you have any additional questions or concerns by emailing us at [rhc-assist@usac.org](mailto:rhc-assist@usac.org).

Warmest Regards,  
LaQueca  
RHC-Assist Support Team  
Rural Health Care Program  
Universal Service Administrative Company

Re Dark Fiber Project Question - HCP 44495 FRN 17154911.txt  
RHC-Assist@usac.org

On 8/14/2018 4:45 PM, Marci White wrote:

Can you tell me how long the HCP has to install this project? I see that the invoicing deadline was extended but want to check their install deadlines.  
Thanks!

Regards,  
Marci

<image\_part\_9013407417623633.png>

Marci L. White ? BS, Ed  
Kellogg & Sovereign® Consulting ? Executive Director  
p. 580-559-8316 c. 405-600-4676 o. 580-332-1444  
web twitter linkedin facebook instagram

<image\_part\_9013407417623633.png>

This e-mail may contain identifiable health information that is subject to protection under state and federal law. This information is intended to be for the use of the individual named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited and may be punishable by law. If you have received this electronic transmission in error, please notify us immediately by electronic mail (reply).

## **EXHIBIT 7**

**From:** Marci White [<mailto:mwhite@kelloggllc.com>]  
**Sent:** Friday, September 21, 2018 2:29 PM  
**To:** RHC-Assist; rhc-appeals  
**Cc:** rhc; Dennis Byford; Blythe Albert; Barnes, Eugene A  
**Subject:** INTEGRIS TeleHealth Network HCP 44495 FRN

Please accept this as a formal request for an extension for this commitment per the HCF order.

It is codified at 47 C.F.R. § 54.634 Eligible services.(b) (1) Support for non-recurring charges for dark fiber is only available for fiber lit within the same funding year, but applicants may receive up to a one-year extension to light fiber if they provide documentation to the Administrator that construction was unavoidably delayed due to weather or other reasons.

INTEGRIS has an issue with the funding commitment for the dark fiber IRU build out that was not funded in FY2017 until [3/16/2018](#) and only left three months for the project (FCL deadline [6/30/2018](#)). The build out is a 10-12 month project due to the size and scope. The entire project was approved by USAC but with the late funding commitments, it put INTEGRIS in a bad spot for a couple of reasons. 1. They only had 3 months to implement the entire project. 2. They owed 35% of the cost and had it budgeted in their fiscal year that ended on [6/30/2018](#) and the project clearly could not be completed in that time frame. That put INTEGRIS in the position to go through their FY2018 budget and request the money again through their corporate chain of command. They finally got the executive approval last month. I am attaching a copy of the Funding Commitment Letter and Network Cost Worksheet for your reference.

Please let me know if you have any further questions.

Marci White, BS  
Director of Rural Health Care  
Kellogg & Sovereign Consulting, LLC  
589-559-8316 Direct  
405-600-4676 Mobile  
[mwhite@kelloggllc.com](mailto:mwhite@kelloggllc.com)  
[www.rhcprogram.com](http://www.rhcprogram.com)

---

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.