

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

Re: Request for Review of Revised Funding Commitment Decision Letter for funding Year 2017, issued October 22, 2019.

I am submitting this letter of appeal regarding the Revised Funding Commitment Decision Letter on the grounds that a RAL submitted for an allowable change to correct a ministerial/clerical error was not implemented for the school and therefore the approved monthly recurring cost is not correct. The reviewer assigned to the application did not follow the proper USAC procedures when processing this application.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Flemington-Raritan School District
471 Application Number:	171009884
Billed Entity Number:	123518
FRN:	1799018204
Service Provider:	Comcast Business Communications

10/22/19 SLD Explanation: *“Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 5/3/2019. The FCDL was issued 8/4/2017.”*

In addition to the below appeal, please also reference ECFS Confirmation # 201905031731206184 which is an FCC waiver request for the 60 day deadline rule. This is a special circumstance where the appeal was originally submitted 9/1/17 in EPC against the FCDL date of 8/4/17, within the 60 day deadline.

08/04/17 SLD Explanation: *“The following RAL changes requested were not implemented because they are not allowable changes: request for FRN increase for provider billing adjustment”.*

The 2017 Form 471 application for Comcast internet services was certified on 04/15/2017. It was quickly discovered that the original monthly recurring cost of \$3,582.25 included on the application was a ministerial/clerical error. The correct full monthly recurring cost for the internet service is much higher at \$12,986.10. This MRC is supported by the attached Comcast invoices. Please note, this is not a provider billing adjustment but simply a ministerial/clerical error. The invoice dated October 2016 includes a Comcast billing error where they billed \$2,491.29 for the JPC location (see page 5 of 28 of the invoice) when in fact the monthly amount for this location is \$3,582.25, a difference of \$1,090.96. The current amount billed of \$11,410.37 plus the missing \$1,090.96 equals \$12,501.33. The invoice dated March 2017 shows the correction of this error on page 6 where the correct amount of \$3,582.25 is billed to the school for this location as originally intended. Therefore, the October 2016 invoice, with the billing corrections shown on the March 2017 invoice, shows that the addition of the missing \$1,090.96 to the billed amount of \$11,410.37 equals the **correct MRC of \$12,501.33**.

The RAL to correct this ministerial/clerical error was submitted on 5/17/19. Please see screenshot of the RAL submission dated 5/17/19. The first PIA inquiry for application #171009884 was issued on 7/20/17 requesting the documentation for the RAL request. The documentation was submitted on 7/27/17. Please see screenshot of the PIA inquiry and response. The following day, a modification notification was issued stating “On your form, your request to increase the monthly recurring amount to \$12,986.10 per month could not be processed because the change requested is not a correctable error under the FCC’s Ministerial and Clerical guidelines.” Please see attached screenshot of this additional PIA as well. This does not follow USAC procedures as directed by the FCC. We did disagree but the EPC portal was not allowing us to upload our written disagreement, attached here for your records. We reached out to the reviewer on the phone and reiterated why the request should be considered as an allowable change under the Bishop Perry Order for ministerial/clerical errors. The reviewer reassured us they would be able to issue another inquiry and the request would be resolved.

However, even with the pending PIA inquiry issued 7/28/17 and not due until 14 days later 8/11/17, the FCDL was issued on 8/4/17 denying the RAL request and only approving the incorrect amount of \$3,582.25. As demonstrated, this is only a quarter of the total cost for the school and therefore USAC is not fulfilling the goal of helping schools and libraries meet internet and networking needs for their students at more affordable pricing. This demonstrates yet another failure in the USAC review process.

In the case of Flemington-Raritan SD specifically, all proper USAC procedures have been followed by the applicant to obtain the correct funding amount for Comcast internet services. The issue here is the assigned reviewer did not follow the proper program procedures on their end, an issue entirely outside of the applicant's control. The reviewer hastily issued this application without consideration of the provided documentation and accurate communication. This is extremely negligent for Flemington-Raritan School District as the \$12,501.33 MRC is 100% eligible for E-rate funding, specifically for the time period of 7/1/17 to 6/30/18.

Note that this is not a case of ineligible services or funds. It is only a case of procedural error on the part of the USAC employee — a problem of USAC's and the FCC's own making. The denial of the RAL request was incorrect and is completely allowable under the Bishop-Perry order. No further explanation as to why the reviewer had identified these costs as *not* being eligible was given, via written format or over the phone. Additionally, the EPC portal would not allow us to upload our written explanation of disagreement, another ongoing USAC problem. This information was explained to the reviewer over the phone and the reviewer indicated they were in agreement. Finally, the reviewer issued the denial FCDL in haste before the standard 15 day PIA response time. These are all procedural errors that are outside the control of the applicant. The FCC Order 06-54 waives the rules for procedural, not substantive violations.

This is a clear example of what Chairman Pai describes in his April 18, 2017 letter addressed to Chris Henderson as "serious flaws in USAC's administration of the E-Rate program – flaws that relate to the process by which schools and libraries apply for E-Rate funding and that are preventing many schools and libraries from getting their funding".

We respectfully request that you overturn the denial of the RAL request and restore full funding of these FRNs, thereby fulfilling the objective of the E-rate program. Thank you for reviewing this appeal. Please use the contact information below.

Tiffany Bullion, E2e Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, trb@e2eexchange.com

Sincerely,
E2e exchange, LLC

Tiffany Bullion
Director of Operations

Attachments:

- 2016 October Comcast Invoice with billing error
- 2017 March Comcast Invoice with correction to billing
- Submitted RAL Request 5/17/17
- Screenshot of PIA issued 7/20/17 and submitted 7/27/19
- Screenshot of PIA issued 7/28/17
- Written Response disagreeing with PIA issued 7/28/17
- FCDL denial issued 8/4/17
- RFCDL denial issued 10/22/19