

10/31/2019

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

Re: Letter of Appeal of Revised Funding Commitment Decision Letter for Funding Year 2019, issued 9/18/19.

Dear Sir or Madam:

I am submitting this letter of appeal regarding E-Rate FY 2019 funding request for Internet Access, on the grounds that, the service provider incorrectly identified the SPI discounts on the monthly invoices resulting in a ministerial/ clerical data entry error on the Form 471 application. The 60-day rule should be waived per the FCC waiver request submitted 7/25/2019 and this appeal considered for approval.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Chappaqua Central School District
471 Application Number:	191005282
Billed Entity Number:	123630
FRN:	1999005837
Service Provider:	Crown Castle Fiber LLC

SLD Explanation for denial: *"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 7/25/19. The Funding Commitment Decision Letter was issued on 4/27/19. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal."*

In addition to the below appeal, please also reference the ECFS Confirmation #20190725097266076 which is an FCC Waiver request for the 60-day deadline rule that was submitted on 7/25/2019.

Please see attached November 2018 invoice for Chappaqua CSD's services with Crown Castle. Please note the summary on both page 1 and 4 have a total amount of \$5,172.56 and do not show any discounts or reductions applied. Therefore, on application #191005282 the monthly recurring cost of \$5,172.56 for FRN 1999005837 was entered. The Program integrity Assurance (PIA) inquiry asking for supporting documentation was responded to on 3/25/19 also providing this invoice. The Funding Commitment Decision Letter (FCDL) was then issued on 4/27/19 approving the request.

On 7/18/19 the service provider Crown Castle reached out to the E-Rate consultant for Chappaqua CSD informing that the funding commitment was only the 60% of the undiscounted portion of the services. Upon further inspection, on pages 2-3 of the invoice, you can see in small print on the right an indication of a 40% E-rate discount. The total eligible MRC for FRN 1999005837 should therefore be the full \$8,620.93. Once more, the \$3,448.37 in SPI discounting is omitted from the total summary pages, but should be added back into the invoice total, nonetheless.

During the bid evaluation, after the closing of the bidding window, the full, correct Crown Castle MRC of \$8,620.93 was used as the evaluated cost compared to other bids received. The monthly recurring costs of all bids received was indeed the most heavily weighted criteria during the bid evaluation. Despite Crown Castle not being the lowest MRC, based on all criteria evaluated, Crown Castle was still the winning vendor for Chappaqua School District as they met all their needs. As explained by Crown Castle showing the 40% discount on the invoice, it is clear the correct MRC is \$8,620.93, despite the ministerial, clerical error that took place during data entry of the Form 471.

Ministerial, Clerical Errors, and the Bishop Perry Order.

USAC defines a ministerial or clerical error as “Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error.” The error in question explicitly fits this definition. The monthly recurring cost was accidentally data entered as the 60% undiscounted portion instead of the 100% of eligible charges. As such, this error qualifies as a ministerial / clerical error.

To aid in the correction of clerical errors, The Bishop Perry Order is in place not only to provide an opportunity for correcting clerical errors, but to ensure minor clerical errors do not inhibit an applicant’s E-Rate funding. Universal Service Section 254 directs the FCC to “enhance... access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers, and libraries. The Bishop Perry Order also states that it satisfies Section 254 by opening the opportunity for funding to applicants previously denied for minor errors.” In finality and more generally, the Bishop Perry Order stands to provide relief for denials that are procedural in nature, and are not a source of program waste, fraud, or abuse. Procedural errors are to be corrected by way of the Bishop Perry as this is as seen as beneficial and necessary to appeal to the public’s and the applicant’s best interest.

Given that the reduced funding in this case is a ministerial/clerical error, the Parties respectfully request that USAC process this Letter of Appeal and waive the 60-day rule and approve the full eligible MRC OF \$8,620.93 for FRN 1999005837. The reduction of funding places a particular hardship on a school district that otherwise should have been approved.

We respectfully request that you approve this appeal per the Bishop Perry Order. Thank you for reviewing this appeal. Please use the contact information below.

Tiffany Bullion, Director of Operations, 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

CC:

Enclosures –

- ECFS Confirmation of Waiver submitted
- Copy of the Waiver submitted on 7/25/2019
- 2019 Lightower-Crown Castle Invoice