

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 Waiver of Administrator's Decision on Implementation Extension Request dated 4/17/17 and Waiver for filed SPI Invoice #2812494 dated 5/14/18

I am submitting this request for a waiver regarding the Administrator's Decision on Implementation Extension Request on the grounds that, the service provider discounted the recurring basic maintenance services outside of the course of the regular program year and is demanding payment from the district for these denied reimbursements.

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| Appellant Name: | e2e Exchange, LLC |
| Applicant Name: | Fayetteville-Perry School District |
| 471 Application Number: | 1013500 |
| Billed Entity Number: | 129835 |
| FRN: | 2779354 |
| Service Provider: | CDW Government LLC |

SLD Explanation: "SLD Invoice Number:2812494; Line Item Detail Number:9172074; Amount Requested:7963.54; Billed Date after **[06/30/2016] fund yr;mnthly cost;**;Invoice Received Date [05/14/2018] Later Than FCC Extension Date [03/02/2018];80;Billed Date Outside of Funding Year;285;

The above applicant had received approval on 4/17/17 for a required service extension on the 2015 Category 2 project. The new deadline was extended to September 30, 2018. The letter specifically states: *"Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001. The last date to deliver and install the non-recurring service(s) is **September 30, 2018**. While invoices should be submitted as soon as possible, the last allowable date to postmark an invoice for this non-recurring service(s) is **January 28, 2019**. The invoice should be submitted in accordance with the instructions on the Schools and Libraries web site (www.usac.org/sl/). Please note that recurring services covered by this FRN must have been received during the course of regular program year, **July 1, 2015 through June 30, 2016**"*

The invoice deadline was extended to 1/28/2019 for the non-recurring services and 3/2/2018 for the recurring services. The equipment was purchased by the district and installed before the new 9/30/18 deadline. However, the vendor also billed the applicant for needed recurring basic maintenance services despite being outside the original program year. These services were integral in making sure the network was functioning at its best after the new equipment was installed. The service provider submitted the invoice for reimbursement on 5/14/18. The vendor received approval for reimbursement on the non-recurring portion, but the recurring basic maintenance portion was denied by USAC. We are requesting a waiver on the USAC program rule that recurring services covered by this FRN must have been received during the course of the regular program year, July 1, 2015 through June 30, 2016. The services were not needed within that period because the network was not officially completed and therefore would have been an unnecessary purchase at the time. Additionally, since the recurring services are directly linked to the implementation of the non-recurring services, the invoice deadline extended for the non-recurring portion should also be extended for the recurring portion in this case.

Note that this is not a case of improperly committed funds. It is only a case of invoice deadlines — a, problem of USAC's and the FCC's own making. The FCC Order 06-54 waives the rules for procedural, not substantive violations. Furthermore the recovery of funds, properly committed, but paid under an erroneously applied invoice extension, "...may not be appropriate for violation of procedural rules codified

to enhance operation of the e-rate program as per FCC 04-190.” USAC’s application of the deadline extension does not constitute a substantive violation on behalf to the applicant and as such should not apply.

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 waive the USAC invoice deadlines for FRN 2779354 and reimburse the service provider for the approved amount, thereby removing the burden currently experienced by the applicant.

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