

5/26/2017

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 Funding Commitment Decision Letter for funding Year 2016, issued December 28th, 2016.

I am submitting this letter of appeal and appeal deadline waiver denial of E-rate FY 2016 funding request for denial of funding requests 1699035872 and 1699035889, on the grounds that, the entity was not brought under its Category 2 budget. A budget allocation was submitted during USAC PIA that correctly brought the entity under budget. Between the USAC clerical errors to deny the application and the procedural, not substantive late filing of the appeal are subject to remain consistent with previous FCC Orders to restore full funding to these funding requests.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Cincinnati Hills Christian Academy
471 Application Number:	161005471
Billed Entity Number:	16051738
FRN:	1699035872, 1699035889
Service Provider:	MIS Solutions,

SLD Explanation for denial: "Two budget for BEN 16051738 is \$183,450.00. Your total requested Category Two pre-discount funding amount for BEN 16051738 exceeds this entity's Category Two Budget by: \$52,961.43. 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 denial of funding was based on a clerical error from the PIA reviewer as these entities were both brought under budget. The response was submitted within the EPC portal on 12/16/17. Given all of the issues within the EPC portal it is entirely possible there was an EPC issue that resulted in the incorrect processing of this application.

The original requested amount on the 471 was \$162,696.40. The PIA submission response (see attached) brought the total requested amount down to \$104,738.31. This is a reduction of \$58,231.09. The Category 2 budget was only exceeded by \$52,961.43. This reduction amount requested in PIA was more than the over budget amount, meaning we brought the application under budget as requested.

Given that the denial of funding in this case was based on merely on a clerical error from the PIA reviewer and the Parties respectfully request that the SLD process this Letter of Appeal and approve the funding commitment for Cincinnati Hills Christian Academy. The denial of funding for an administrative error places a particular hardship on a school district such as Cincinnati Hills Christian Academy that otherwise should have been approved for and received Erate funding for its application.

Furthermore, we request a waiver of the 60 day USAC Appeal deadline and the subsequent 30 day FCC Appeal deadline. In accordance with FCC Order 07-36, the missed appeals deadlines are a procedural error, and not a failure to adhere to the core program requirement or misuse of funds. Violations that were procedural, not substantive should not be completely rejected. 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.

The EPC system's notification procedure for FCDL commitments is a hindrance to all applicants and especially to consultants, who deal with potentially of hundreds of notifications and requests that populate through the newsfeed on a daily basis. Effectively USAC has taken a data dump approach by not directly notifying consultants or applicants that FCDLs are issued and available. There is no longer any direct

contact made from USAC when FCDLs are issued. When direct contact is not made with the applicant or consultant the chain of communication between the program and its patrons breaks down. It is unacceptable for USAC to put applicants in this position. Without a firm and clear communication link between the parties involved the program is straying from its core mission. In the EPC system that has been administered USAC has effectively taken no accountability for the well-being of the applicants they are in place to service. Issuing FCDLs in a newsfeed in amongst countless other posts of verifying importance is inefficient at best. Overall the EPC system places a massive burden on consultants to be able to pick out each action item from the newsfeed. Treating FCDLs in the same way social media treats content and advertising is indirect, unreliable, and irresponsible from USAC. This is not social media – there are massive amounts of funding at stake for applicants. So much time, energy and resources are put at stake because USAC feels the best method is to post notifications on a wall as if it were Facebook. There is no e-mail sent to the consultant, no hard-copy mailed to an address, and no alert that these are even available. The entire review and post commitment process has become completely disengaged by way of the EPC portal. If USAC does not want to engage applicants and consultants on their funding it becomes impossible to get applications properly funded and properly disbursed. It is not reasonable for USAC to place so much red-tape around the E-rate process that it effectively inhibits funding that schools and libraries are eligible to receive by following the rules and regulations of the E-rate process. The proper discourse would be to waive the 60 and 30 day appeal deadlines from USAC and the FCC respectively to free this application from the burden USAC has placed on it.

The FCC is fully aware of the administrative and processing failures of the EPC portal and 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.

We respectfully request that you overturn the denial and restore full funding of these FRNs. 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

Enclosures – PIA submission to bring entity under budget submitted on 12/16/16