

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

Re: Request for Review of Red Light Status Alert dated May 3<sup>rd</sup>, 2019

I am submitting this letter of appeal regarding the Red Light Status Alert for Belmont Charter Schools on the grounds that, the requested documentation proving the eligibility of reimbursements under FRN 1699107310 is available, as all E-rate records are retained for the required FCC period of 10 years. Furthermore, the USAC appeal was submitted within 60 days of the First Demand Payment Letter dated 5/7/18, after the applicant received a proper response from USAC personnel to do so.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Belmont Charter School
471 Application Number:	161047475
Billed Entity Number:	20193
FRN:	1699107310
Service Provider:	Windstream Communications, LLC

5/6/19 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 6/15/2018. The Recovery of Improperly Disbursed Funds Letter was issued on 3/6/2018. 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.”*

5/7/18 First Demand Payment: *“After a thorough investigation, the applicant failed to produce at the request of the Administrator the following documentation pertaining to its invoicing for FRN 1699107310: Bill/s received from the service provider showing eligible products and services”.*

6/7/18 Second Demand Payment: *“This letter is a second demand for payment of a debt owed to the United States. On 05/07/2018, USAC sent BELMONT CHARTER SCHOOL a letter demanding repayment of a \$41,385.70 overpayment of Universal Service Funds to BELMONT CHARTER SCHOOL (the “Debt”).*

The issue in this case simply boils down to the fact that E-rate filing was not the primary role of staffers at Belmont Charter Networks and additionally, USAC communication outside of the EPC portal was not being received by the proper contacts. No request for invoices related to Windstream FRN 1699107310 was received by the school and therefore no response provided. The program’s complex nature was a hindrance to this applicant’s understanding of program procedures, and even assistance requested from USAC was limited, as documented below. Despite this ministerial error, all program rules have been followed by Belmont Charter Schools, including retention of all documents for a minimum period of 10 years. Failure to provide proof of this compliance is only a procedural error as a result of the unknown destination of where the USAC request for invoices went, and the limited personnel available at the school to devote to E-rate. Belmont Charter Schools has since hired a consultant to prevent these issues from occurring. However, USAC requests for information outside of the EPC portal is a procedural item that a consultant cannot control, and which an applicant should not be punished for. The FCC Order 06-54 waives the rules for procedural, not substantive, violations. Please see the invoices related to FRN 1699107310 attached to this appeal.

An administrator’s request, or Program Quality Assurance review, for invoices related to FRN 1699107310 was not received by the school district, and therefore never responded to. The first notification related to this issue was made known to the applicant when the Recovery of Improperly Disbursed Funds (RIDF) letter was issued in the EPC portal on 3/6/2018. The applicant immediately contacted USAC the same day via case #227249 asking “Why did I get an RIDF letter when I thought I was approved”? The response

from USAC personnel was “We have not received the letter in question. Please either attach it to this case or email it [SLDPR@Gdit.com](mailto:SLDPR@Gdit.com) with the subject line with the case #227249.” The case was closed on 3/26/19 because the USAC reviewer did not have record of the RIDF letter – as a reminder, these letters are issued directly in the EPC portal. No further help was given to the school.

The issue was not brought back up to the applicant until the First Demand payment letter was issued in EPC on 5/7/18. Once more, the applicant called the USAC line for help on 5/11/18 via case #236875. This time the applicant was advised to file an appeal and one was submitted on 6/15/18 (appeal #109427) against the First Demand payment Letter date of 5/7/18. This is a difference of 39 days. The applicant uploaded all the related invoices for the 2016 Windstream invoices.

**Note that this is not a case of ineligible services or substantive error.** It is only a case of procedural error on the part of USAC requesting information outside of the EPC portal.

We do not agree with the USAC request to return \$41,385.70 given that the required information for FRN 1699107310 is available if properly requested and furthermore, the USAC appeal arguing against the First Demand Payment Letter was filed within 60 days of 5/07/2018.

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 RIDF and restore funding to these FRNs and/or reissue a request for the information so that it can be properly submitted. 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@e2exchange.com](mailto:trb@e2exchange.com)

Sincerely,  
**E2e exchange, LLC**

Tiffany Bullion  
Director of Operations

Enclosures:

1. Invoices for FRN #1699107310
- Case #227249 and #236875