

6/22/2017

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 2012, issued July 10, 2012.

I am submitting this letter of appeal regarding Demand Payment of E-rate FY 2015 reimbursement for voice services, on the grounds that, the applicant produced at the request of the Administrator the documentation pertaining to its invoicing, which have also been included in this attachment. The original BEAR review request was issued October 5th, 2016 with a due date of October 20th, 2016. The requested documentation was submitted October 14th, 2016 prior to the submission deadline.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Lafayette County SD
471 Application Number:	996523
Billed Entity Number:	137112
FRN:	2718362
Service Provider:	Citizens Telephone Company of Higginsville, Missouri

SLD Explanation of Improperly disbursed funds *"Applicant failed to produce at the request of the Administrator the following documentation pertaining to its invoicing: copies of all bills received related to FRN 2718362, FCC Form 472 # 2434988."*

The issue in this case boils down simply to this: The denial of funding was based on an administrative error as the invoices were submitted for FCC Form 472 # 2434988. The invoices were all sent to the BEAR reviewer Andene Thompson on 10/14/16. We have included all copies here for your records. We did not receive a request for additional information after submitting the documentation October 14th, 2016, prior to the due date of October 20th, 2016.

Without notification the BEAR was denied having cited the SLD explanation listed above. As a result of the BEAR denial, USAC also issued a Red Light Notice to collect improperly disbursed funds on this FRN. The Red Light Letter was never received by e2e exchange. Please see the e-mail from USAC reviewer Karen Hulmes. She indicated that she attempted to send the Red Light Notice to e2e but it was sent back to USAC as non-deliverable. Without receipt of the letter, it was impossible to timely file the USAC appeal. USAC attempted no further follow up with e2e to make us aware that the letter had been issued. It is also extremely unclear as to why this would happen as we receive regular correspondence from USAC at our listed mailing address.

Furthermore, we request that the Red Light Letter be dismissed and this FRN be held in good standing. The bear review was answered and all bill copies were supplied, making the Red Light letter unnecessary. The district clearly paid for this service and was disbursed properly. To now deny the district of any funding is wholly egregious and inappropriate. This is an extreme punishment for a district that did nothing wrong, considering they paid for this service, and the BEAR review was properly and timely responded to.

USAC's issues with administering the E-rate process are something the FCC is fully aware of. This is another example of their errors. The administrative burden is a great, and we acknowledge that. However we must take issue with their ability when something such as a simply BEAR review jeopardizes the district's stake in the E-rate process. To uphold the Red Light letter against the district for USAC shortcomings would be of detriment to the legitimacy of the E-rate program. We must uphold the integrity of the program by doing right by those the program serves. Keeping the demand payment and red light status on Lafayette would not do justice to the district. The red tape surrounding this FRN is an immense burden. We are asking that the FCC release the district from this burden and take any action necessary to do so.

In all, given that the denial of funding in this case was based on merely an administrative error by USAC incorrectly processed the BEAR review, regarding the submission of the requested documentation, the Parties respectfully request that the SLD process this Letter of Appeal and uphold the reimbursement as properly disbursed for Lafayette County School District. We request that the FCC wave any USAC and FCC appeal deadlines pertaining to this FRN. USAC acknowledged that e2e never received the Red Light letter. The return of properly disbursed funding for an administrative error places an extreme hardship on a school district such as Lafayette County School District.

We respectfully request that you overturn the demand payment of funding of this FRN. 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,
E2e Exchange, LLC

Sean Cuskey
Director of Operations

CC:

Enclosures - bills related to FRN 2718362, FCC Form 472 # 2434988; Grid of Monthly Charges; Completed Worksheet Certification Form; Email Submission to Reviewer on 10/14/2016, e-mail from Karen Hulmes regarding return of Red Light Letter to USAC