

7/11/2016

Letter of Appeal  
Federal Communications Commission  
445 12 Street SW  
Washington DC 20554

Re: Letter of Appeal of Administrator's Decision on Appeal – Funding Year 2015-2016

Dear Sir or Madam:

I am submitting this letter of appeal to USAC regarding denial of E-rate FY 2015 funding request for e Internal Connections on the grounds that, the filed amounts were not within the entities' Category 2 budgets.

|                         |                            |
|-------------------------|----------------------------|
| Appellant Name:         | E2e Exchange, LLC          |
| Applicant Name:         | Evansville                 |
| 471 Application Number: | 1013540                    |
| Billed Entity Number:   | 132947                     |
| FRN:                    | 2777562;                   |
| Service Provider:       | Heartland Technology Group |

SLD Explanation for denial: "... you have not authorized sufficient modifications to Category 2 funding requests to bring this BEN within its allowable Category Two budget."

*SLD Explanation for Appeal Denial: Appeal postmarked 60 days after FCDL date*

This request for reconsideration comes as both denial issues are administrative errors and are in reality non-issues. The two reasons given for denial – one for the original FCDL and the second for the USAC appeal have both been issued in error:

- 1.) The PIA response did indeed include Category 2 budget modifications and should not have been denied. They should have at least been amended form the PIA reviewer
- 2.) The Appeal was postmarked before the 60 day deadline.

This appeal was originally submitted to SLD on 11/20/2015. See attached SLD e-mail confirmation of receipt of the Appeal and successful fax confirmation of this appeal. This is before the 60 day FCDL due date. This negates the issue about the appeal post mark.

The issue in this case boils down simply to this: The original USAC denial of funding is based on the USAC claim to have not received proposed breakdown that keeps the entities within budget. A response with proper documentation including Category 2 Budget breakdowns to bring the entities under budget was sent to the PIA reviewer on 10/15/15. The attachments give the breakdown of costs to the entities. This negates the issue regarding the Category 2 budgets.

Common practice from other PIA reviewers is if there is a problem with the submission, to bring it to the attention of the applicant, and this however was not despite a request in the submission to please alert us if there were any issues with the submission. Countless other applications were given this treatment and Evansville should have been given this treatment as well if there was an issue with the proposed budgets. Even so, the submission was fully in compliance with the budget and should have been implemented, not denied.

Given that the denial of funding in this case was based on administrative errors from USAC, we respectfully request the original appeal request be enforced, and funding be restored to the FRN. Enforcing this adjustment would be consistent with the Bishop Perry Order and so, should be adjusted. Not doing so would be harmful to the district as they spent thousands of dollars on Category 2 equipment and this would

severely indebt them if they do not get the support they deserve. Denial of this funding would also not be consistent with the Bishop Perry Order.

We respectfully request that you overturn the denial and restore full funding of the FRNs. Thank you for reviewing this appeal. Please use the contact information below.

Sean Cuskey, Director of Operations, E-rate Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, stc@e2exchange.com

Sincerely,  
**E-rate Exchange, LLC**

Sean Cuskey  
Director of Operations

Enclosures: E-mail submission of PIA response dated 10/15/15; USAC confirmation receipt of appeal dated 11/20/2015; Fax confirmation of USAC appeal dated 11/20/15;USAC Appeal; Vendor Documentation from Heartland Group