

July 26, 2017

Ms. Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street, SW

Washington, DC 20554

Reference: CC Docket No.96-45 and CC Docket No 02-6

To Whom It May Concern:

This will serve to formally submit an FCC Appeal to the attached finding by a USAC Review. Per the attached documentation, dated June 5, 2017, USAC has incorrectly determined that the applicant certified discounted amounts for reimbursement for ineligible services. We are challenging the logic used by USAC in its determination of redundant services and its decision to rescind the approved funding for FRNs 2062811 and 2062832, a request for funding for P1 internet connections.

➤ **Billed Entity Name:** Eaton Academy

➤ **Billed Entity Number:** 16057881

➤ **Form 471 Application Number:** 763416

➤ **Application Type:** Priority One – Internet Connections

➤ **FRN:** 2062811 and 2062832

➤ **Service Provider** Windstream Communications, LLC (SPIN: 143030766)

➤ **Funding Year:** 2010

➤ **Contact Information:** John Egan, Phone: 480-473-5785, E-mail: john.egan@getfunded.net

➤ **Appeal Reason:**

Funding Commitment Adjustment Explanation: Insert from USAC letter.

“During a review, it was determined that the funding commitment for this request must be rescinded in full. Funding was provided for the following ineligible items: redundant/backup internet access circuit.”

APPEAL REASON: The USAC audit team did not properly understand, and therefore did not properly apply, the information provided to them by the applicant.

While we understand these services provided internet access, the type of access provided by Cavalier (T1 line) is different from that provided by Comcast (broadband). These are two different products even though they both provide internet access.

The applicant needed two (2) different internet Access facilities to support two (2) differing uses. Neither internet access service facility was intended to back-up the other. Both facilities were to be considered as the primary facility for its respective use. So neither service facility was dormant while the other was active. Please allow me to break down the two (2) separate facilities/uses herein:

Internet Access Service Facility Number One: The T1 Line provided by Cavalier/Windstream was required for administrative and teacher access to the internet and to centralized applications. The nature of the applications was such that it required a "direct connection" to the remote site as well as faster speed. Broadband internet access (Comcast) uses different routes to the internet sites and was slower. It simply could not handle the quantity of users or download speeds necessary for the data streaming required in the classrooms.

Internet Access Service Facility Number Two: Comcast broadband was used for student access to the internet. The applications used by students could tolerate the randomness of broadband and teaching staff could not tolerate the randomness of broadband and download speeds. These administrative/teacher applications were essential to the daily operation of the academy and required the "direct connection" to the remote site.

The Academy elected to choose the most cost efficient manner in which to provide internet access for two different applications/uses. Installing a second T1 line (Cavalier) for student use was certainly an option, but that option would have required the additional expense of installing new telephone equipment and wiring as well as significant additional monthly costs (\$300 vs \$79 to the academy, as well as to the e-rate program). Student use did not require the additional capacity or cost of a T1 line and the academy elected to go with the level of service that was needed versus available. However, administrative/teacher use needed more capacity and speed than broadband and therefore needed the T1 line. It is clear that the academy picked the most cost efficient solution based on its needs with an overall cost of \$379 per month vs \$600 per month.

The Academy elected to bid and select two different internet applications for two different school populations. The purpose of having two separate internet lines was not for backup (or redundancy), it was for more capacity required by the applicant. This is no different than requesting more than one POTS line for capacity. USAC approves more than one POTS lines and does not consider that backup or redundancy. It should not consider two internet connections redundancy simply because they come from two different providers.

The technology infrastructure in the local geographic area did not allow the applicant to obtain the required capacity with a single internet connection. As stated above, the most cost effective solution, which is the ultimate goal of the E-rate program, was to obtain the extra needed capacity through a second and cheaper vendor. If an applicant required 20 POTS lines would USAC consider that redundancy or backup if two different providers supplied 10 lines each? It is clear that by selecting two different vendors the applicant was choosing the most cost effective solution for extra capacity.

Thank you in advance for your consideration in this important matter.

Sincerely,


John M. Egan

CEO - GETFUNDED

Office: 480-473-5785

Fax: 866-800-5147

E-Mail: john.egan@getfunded.net

www.getfunded.net