

Appeal of Denial of Service Delivery Deadline Extension request for Funding Year 2016 471
#161050880

Billed Entity Name: Warrick County School Corporation
Billed Entity Number: 130695
471 Number: 161050880
FRNs: 1699124761, 1699124802, 1699124836, 1699124856,
1699124883, 1699124904, 1699124924, 1699124941,
1699124963, 1699124997, 1699125011, 1699125030,
1699125094, 1699125135, 1699125199, 1699125214,
1699125228, 1699125240, 1699125255, 1699125271,
1699125283, 1699125293, 1699125308, 1699125365,
1699125375

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TEXT OF DECISION WE ARE APEALING:

(from RFCDL column titled "Post-Commitment Rationale (FRN Level) attached as Copy of Post Commit Request-67309 - denials)

"Current deadline guidelines and procedures do not allow approval for the reason submitted."

We are appealing the denial of the request for a service delivery extension for these FRNs because the post-commitment rationale does not match guidance on the USAC website.

BACKGROUND

The Warrick County School Corporation (Warrick) planned a full network upgrade for their 16 instructional buildings for the 2016.19 funding year. The work was divided into four contracts at each building and the competitive bidding process selected three vendors for the work. The original intent was that work would begin as soon as classes ended in these schools (June 2016), but budget constraints required that E-Rate funding be approved prior to work beginning. The funding approval for the FRNs included in this appeal was not received until January 9, 2017 which meant that both service providers included in these FRNs had lost the better part of eight months from their schedule and most importantly, all of the uninterrupted summer work hours. Work hours during the school year were restricted to after classes end for the day to avoid impacting student learning. This restricted service providers efforts to make up the lost time and meet the original service delivery deadline of September 30, 2017. They were also impeded by resource allocation issues. Because the work for Warrick did not begin in June 2016 as planned the service providers had to delay equipment delivery and release installation crews to other project that did begin on time. Once notice to proceed was

received, both service providers worked diligently to reallocate those resources but, combined with the restricted work hours, were not able to match the pace originally planned for unrestricted summer work.

ANALYSIS

The USAC website provided the following guidance regarding service delivery...

In general, non-recurring services must be delivered and installed between July 1 of the relevant funding year and September 30, following the June 30 close of that funding year (i.e., 15 months after the beginning of the funding year). However, certain recipients have received or may receive extensions of the deadline for delivery and installation of non-recurring services. Such extensions can occur for various reasons, including:

- A Funding Commitment Decision Letter (FCDL) is issued by USAC on or after March 1 of the funding year for which support is authorized.
- Operational SPIN changes or service substitutions are approved by USAC on or after March 1 of the funding year. SPIN is also known as the [service provider's 498 ID](#).
- The applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- The applicant or service provider requested an extension because the service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

USAC will automatically extend the service delivery deadline in situations where the first two criteria are met. Recipients of non-recurring services that fall under the third and fourth criteria must file an FCC Form 500 on or before the last date to receive service (generally September 30 following the close of the funding year) to request an extension of the service delivery deadline.

Work covered by the FRNS included in this appeal was delayed by the lack of a FCDL during the first summer of the funding year. Approval of the funding is a critical factor that is clearly beyond the service provider's control, meeting bullet point three of the guidance. The Form 500 (attached) requesting the extension of the service delivery date was filed on September 15, 2017, fulfilling the requirement that it be filed on or before the last date to receive service, as detailed in the final paragraph of the guidance.

Please note that a service delivery deadline extension would have automatically been issued had the FCDL been issued after March 1, 2017 demonstrating that lack of funding approval is an issue that adversely affects the schedule of some projects. What this bullet point does not address is the fact that for some complex projects delays of less than the nine months assumed in the first bullet can make it impossible to recover scheduling delays. This is particularly true for work in school buildings as the loss of uninterrupted work hours during the summer months cannot be made up when contractors are limited to after school and weekend work hours.

ACTION REQUESTED

We have demonstrated that there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements in our request that the service delivery deadline be extended for the FRNs listed. We have demonstrated that the request fits the requirement that it be predicated on reasons beyond the service provider's control. We filed the original request within the timeline required. We request that this service delivery extension be granted, and that Invoice Deadlines be extended to match the new service delivery deadlines.

Attachments:

Copy of Post Commit Request-67309 – denials
Form 500-67309 C2 extension

RFCDL for USAC Appeal - 92671

	A	B	C	D	E	F	G
1	BEN	BEN Name	Post-Commitment Request Type	Post-Commitment Application/Request Number	FRN	Post-Commitment Decision (FRN Level)	Post-Commitment Rationale (FRN Level)
2	130695	WARRICK C	Appeals	92671	1699125375	Denied	<p>FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the USAC website at: http://www.usac.org/sl/applicants/before-youre-done/delivery-extension.aspx. Your request did not provide information that satisfied those conditions.</p> <p>Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.</p>
3	130695	WARRICK C	Appeals	92671	1699125365	Denied	FCC Rules related to the payment of support for discounted services establish dead
4	130695	WARRICK C	Appeals	92671	1699125308	Denied	FCC Rules related to the payment of support for discounted services establish dead
5	130695	WARRICK C	Appeals	92671	1699125293	Denied	FCC Rules related to the payment of support for discounted services establish dead
6	130695	WARRICK C	Appeals	92671	1699125283	Denied	FCC Rules related to the payment of support for discounted services establish dead
7	130695	WARRICK C	Appeals	92671	1699125271	Denied	FCC Rules related to the payment of support for discounted services establish dead
8	130695	WARRICK C	Appeals	92671	1699125255	Denied	FCC Rules related to the payment of support for discounted services establish dead
9	130695	WARRICK C	Appeals	92671	1699125240	Denied	FCC Rules related to the payment of support for discounted services establish dead
10	130695	WARRICK C	Appeals	92671	1699125228	Denied	FCC Rules related to the payment of support for discounted services establish dead
11	130695	WARRICK C	Appeals	92671	1699125214	Denied	FCC Rules related to the payment of support for discounted services establish dead
12	130695	WARRICK C	Appeals	92671	1699125199	Denied	FCC Rules related to the payment of support for discounted services establish dead
13	130695	WARRICK C	Appeals	92671	1699125135	Denied	FCC Rules related to the payment of support for discounted services establish dead
14	130695	WARRICK C	Appeals	92671	1699125094	Denied	FCC Rules related to the payment of support for discounted services establish dead
15	130695	WARRICK C	Appeals	92671	1699125030	Denied	FCC Rules related to the payment of support for discounted services establish dead
16	130695	WARRICK C	Appeals	92671	1699125011	Denied	FCC Rules related to the payment of support for discounted services establish dead
17	130695	WARRICK C	Appeals	92671	1699124997	Denied	FCC Rules related to the payment of support for discounted services establish dead
18	130695	WARRICK C	Appeals	92671	1699124963	Denied	FCC Rules related to the payment of support for discounted services establish dead

RFCDL for USAC Appeal - 92671

	A	B	C	D	E	F	G
19	130695	WARRICK C	Appeals	92671	1699124941	Denied	FCC Rules related to the payment of support for discounted services establish dead
20	130695	WARRICK C	Appeals	92671	1699124924	Denied	FCC Rules related to the payment of support for discounted services establish dead
21	130695	WARRICK C	Appeals	92671	1699124904	Denied	FCC Rules related to the payment of support for discounted services establish dead
22	130695	WARRICK C	Appeals	92671	1699124883	Denied	FCC Rules related to the payment of support for discounted services establish dead
23	130695	WARRICK C	Appeals	92671	1699124856	Denied	FCC Rules related to the payment of support for discounted services establish dead
24	130695	WARRICK C	Appeals	92671	1699124836	Denied	FCC Rules related to the payment of support for discounted services establish dead
25	130695	WARRICK C	Appeals	92671	1699124802	Denied	FCC Rules related to the payment of support for discounted services establish dead
26	130695	WARRICK C	Appeals	92671	1699124761	Denied	FCC Rules related to the payment of support for discounted services establish dead