

July 31, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: In the Matter of Rural Health Care Support Mechanism, Docket No. 02-6;
Appeal Submitted by River Valley Primary Care Services, Inc. –
Supplemental Information**

Dear Ms. Dortch:

River Valley Primary Care Services, Inc. (River Valley) (HCP 22233) respectfully submits this additional written information for the record with respect to its appeal filed by River Valley for Funding Year 2019.¹ The FRN at issue is 1966724.

Due to system errors, River Valley was unable to file its FCC Form 466 within the initial filing window. River Valley now requests a waiver of the filing deadline to file its application. As detailed below, River Valley's appeal for a waiver would not be necessary but for errors caused by USAC's RHC filing system, complicated by extreme weather conditions in the State of Arkansas. Accordingly, and consistent with Commission precedent, River Valley requests that the Commission grant a waiver to allow River Valley to file its FCC Form 466 and remand its application back to USAC to review the funding request.

Background

River Valley is a non-profit Federally Funded Health Center organization with clinic locations in Ratcliff, Fort Smith, Mulberry, Mountainburg, Lamar, Waldron, and Clarksville, Arkansas. River Valley's mission is to provide quality comprehensive and preventative health care that is affordable to all people in Arkansas, including those with insurance, those without, and those that are underinsured.

For Funding Year 2019, we sought funding for telecommunications service. We submitted our FCC Form 465 on May 3, 2019,² and the form was posted on the USAC website on that same

¹ Exhibit 1, Request for Appeal filed by River Valley Primary Care Services, Inc., on June 13, 2019 (River Valley Appeal). The filing is available on the FCC's Electronic Comment Filing System at <https://www.fcc.gov/ecfs/filing/10614176600756>. When filing the appeal in June, River Valley was unsure what category to choose, so we selected "comment." We apologize for any confusion.

² Exhibit 2, River Valley FCC Form 465, Application No. 43195484, filed May 3, 2019.

date.³ The FCC Form 465 must be posted on the USAC website for 28 days before the health care provider (HCP) may enter into a service agreement. Accordingly, we waited the required 28 days and then attempted to submit the FCC Form 466 on May 31, 2019—28 days after May 3. As noted in our initial appeal, however, we encountered a system error that would not allow us to file, certify, and submit the Form 466, despite multiple attempts to do. I then contacted USAC for assistance. After communicating with a customer service representative, I was able to access the FCC Form 466 but was still unable to certify and submit the form. As a result, we were unable to submit the FCC Form 466 before the FY 2019 filing window closed on May 31, 2019, at 11:59 p.m. ET.⁴

Adding to the confusion, during this time, western Arkansas was under a state of emergency for record-breaking floods caused by persistent, heavy rainfalls in the area. On May 24, 2019, the Governor of Arkansas declared a state of emergency and ordered the National Guard to deploy rescue teams to western Arkansas as the Arkansas River was expected to crest at record levels.⁵ This heavy flooding adversely impacted River Valley's operations, especially the clinic located in Fort Smith, Arkansas, which sustained extensive damage.⁶ River Valley's resources, including the technology director and vital staff necessary to complete the funding request process, were redirected to assess the damage and relocate salvageable equipment for the Fort Smith clinic.

³ Exhibit 3, Letter from Rural Health Care Division, USAC, to Misty Simpson, River Valley Primary Care Services, Inc., May 3, 2019.

⁴ See USAC, Rural Health Care Program, Telecommunications Program, Trainings and Outreach, Newsletter, RHC Program News for February 2019, <https://www.usac.org/rhc/about/outreach/newsletters/2019/February.aspx> (announcing the initial filing window period for FY 2019 as February 1 – May 31, 2019); see also *In the Matter of Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16796, para. 276 (2012) (directing USAC to establish a filing window for future funding years as necessary and requiring USAC to provide public notice of the filing window each year).

⁵ See Exhibit 4, Periodical article Governor Asa Hutchinson, *Governor Hutchinson Declares a State of Emergency Ahead of Flooding*, Press Release (May 24, 2019) <https://governor.arkansas.gov/news-media/press-releases/governor-hutchinson-declares-a-state-of-emergency-ahead-of-flooding>.

⁶ See Exhibit 4, Periodical articles *FEMA: As of Mid-June, Arkansas' Sebastian County Had Most Flood Claims*, Insurance Journal (July 9, 2019) <https://www.insurancejournal.com/news/southcentral/2019/07/09/531594.htm>; Dennis Mersereau, 'Near Catastrophic' Flooding Predicted in Fort Smith, Ark., As Heavy Rain Continues Drenching Plains, Forbes (May 25, 2019) <https://www.forbes.com/sites/dennismersereau/2019/05/25/near-catastrophic-flooding-predicted-in-fort-smith-ark-as-heavy-rain-continues-drenching-plains/#5a559ee8f261>; Doug Stanglin and Trevor Hughes, *Arkansas River Bursts Through Levee North of Little Rock, Triggering Evacuations*, USA Today (May 31, 2019), <https://www.usatoday.com/story/news/nation/2019/05/31/arkansas-flood-levee-breach-prompts-evacuations-north-little-rock/1297285001/>.

On June 14, 2019, River Valley requested an “Administrative Remedy” from USAC to extend the filing deadline for its FCC Form 466.⁷ In response, USAC denied River Valley’s “Administrative Remedy” request asserting that River Valley’s only option is to file an appeal with the Commission.⁸ On June 13, 2019, less than 14 days after the filing deadline, River Valley filed its appeal with the Commission.⁹

1. The Commission Should Grant River Valley’s Waiver Request Because It Attempted to File On Time But USAC’s System Would Not Allow It To File

Commission precedent supports granting waivers of deadlines when the appeal is necessary due to an error by USAC or due to circumstances beyond an applicant’s control.¹⁰ Similarly, in this case, an appeal for a waiver would not be necessary but for errors caused by USAC’s online filing systems.

River Valley submitted its Form 465 on May 3, 2019. Due to the required 28-day waiting period, River Valley had to wait until May 31, 2019, before filing its FCC Form 466. This date fell on the same day as the initial filing window closed, but because the filing window does not close until 11:59 p.m. Eastern, River Valley had a few hours to submit its application after selecting its vendor.

Despite multiple attempts, however, River Valley was unable to certify and submit its FCC Form 466 before the filing window closed, because the online system was not working properly. After multiple communications with a USAC customer service representative, River Valley was finally able to access and complete its online FCC Form 466. However, the button to certify and submit the Form 466 was missing from the online form, so River Valley could not actually submit its

⁷ Exhibit 5, Email from Rural Health Care Division, USAC, to Misty Simpson, River Valley Primary Care Services, Inc., June 14, 2019 (Administrative Remedy Emails).

⁸ *Id.*

⁹ Exhibit 1, River Valley Appeal. Requests for waiver are due within 60 days. As such, this request is timely filed. 47 C.F.R. § 54.720(a).

¹⁰ See, e.g., *Animas School District 6*, 26 FCC Rcd at 16905, para. 4 (granting waivers for late filed appeals because the applicant filed within a reasonable time of receiving actual notice or because the appeal would not have been necessary, but for an error by USAC); *Ann Arbor Public Schools et al.*, 25 FCC Rcd at 17319, para. 1 (granting waivers of appeal filing deadlines because the appeals involved errors by USAC); *Savannah R-III School District*, 23 FCC Rcd at n.30 (finding good cause to waive the Commission’s rules that establishes deadlines for affected parties to seek review of decisions issued by USAC because the issue on appeal before the Commission should have been resolved with USAC before the petitioner resorted to filing an appeal). Additionally, the Commission is seeking comment on a waiver request filed by Kellogg & Sovereign Consulting, LLC on June 20, 2019. Kellogg & Sovereign requested a waiver of the 2019 Rural Health Care Program filing deadline because it was unable to timely file funding requests due to severe weather in Oklahoma. See *Wireline Competition Bureau Seeks Comment on Kellogg & Sovereign Consulting, LLC Request for Waiver*, WC Docket No. 02-60, Public Notice, DA 19-697 (Wireline Comp. Bur. July 24, 2019). River Valley was similarly affected by severe weather in Arkansas during the same time period.

application. It is possible USAC believed that submitting the Form 465 on May 3 did not give applicants 28 days before the filing window, as May 31 was the 28th day after May 3. However, in the E-rate context, the deadline for timely filing the Form 470 was February 27 and the filing deadline for the Form 471 was March 27. March 27 is the 28th day after February 27. So, the period between May 3 to May 31 contains the same days as is required in the E-rate program.

In addition, USAC's RHC system will not accept submissions after the deadline. As a result, River Valley was unable to submit its FCC Form 466 before the FY 2019 filing window closed on May 31, 2019, at 11:59 p.m. ET.

As detailed above, an appeal for a waiver would not be necessary but for errors caused by USAC. Accordingly, and consistent with Commission precedent, River Valley requests that the Commission grant a waiver to allow River Valley to file its FCC Form 466 and remand its application back to USAC to review the funding request.

2. A Waiver of the Filing Deadline is in the Public Interest

Any of the Commission's rules may be waived if good cause is shown.¹¹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹² In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹³

First, River Valley did not make a substantive error; in fact, River Valley was diligent in trying to file its application within the filing period. Second, in addition to the USAC system glitch which apparently caused the issue in the first place, this waiver request is warranted due to the extreme weather events in Arkansas in the days just before the filing deadline. The Commission has granted waivers of deadlines in the universal service programs where hurricanes or other natural disasters affected beneficiaries' ability to comply with those deadlines.¹⁴

Third, this waiver request is consistent with Commission precedent ruling on deadline waiver requests for universal service applicants, even where no special circumstances exist, as they do here. In the E-rate program, the Commission has found that schools and libraries that filed their applications within 14 days of the submission deadline should be granted a waiver of the

¹¹ 47 C.F.R. § 1.3.

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

¹⁴ See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, DA 18-1101 (WCB Oct. 26, 2018) (*Hurricane Michael Relief Order*); *Schools and Libraries Universal Service Support Mechanism et al.*, CC Docket Nos. 02-6 et al., Order, DA 17-984 (WCB Oct. 6, 2017) (*2017 Hurricanes Relief Order*); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, DA 19-15 (WCB Jan. 3, 2019) (*California Wildfires Michael Relief Order*).

deadline.¹⁵ In the RHC context, the Bureau found that waiver of an application filing deadline is not appropriate where the applicant failed to file the FCC Form within a “reasonable time” after the deadline, but the implication inherent in that statement is that a waiver is appropriate where the applicant filed or attempted to file within a reasonable time.¹⁶ The request is also consistent with the Commission’s rule that the deadline to submit a funding request under the Healthcare Connect fund is June 30 for the funding year that begins the previous July 1.¹⁷

A waiver in this case would be consistent with the Bureau’s precedent, because this application would have been filed within 14 days, and likely within one business day, had USAC corrected the portal error and allowed it to be filed. River Valley was prepared to file the funding request on May 31, 2019.¹⁸ But for USAC’s system not allowing the funding request to be officially submitted, even though it was complete, the funding request would have been filed already. If the Commission grants this waiver request, the funding requests can be submitted through USAC’s portal the same day. USAC only recently began to review the funding requests filed by May 31, so allowing River Valley’s funding request to be submitted at this time will not harm the administrative process.¹⁹

Given the unusual facts of this situation—including complications and technical errors from the online filing system as well as the catastrophic flooding that impacted River Valley’s operation—River Valley should not be faulted for circumstances beyond its control. Additionally, USAC has not suggested any concerns about waste, fraud, or abuse in this case, and in fact there was no waste, fraud, or abuse or bad faith on the part of River Valley. It does not serve the goals of the E-rate program or the public interest to prohibit River Valley from

¹⁵ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

¹⁶ See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 02-6 and WC Docket Nos. 02-60, 06-122, Public Notice, DA 18-1270 at pp. 10-11, n.26 (WCB 2018). This decision cited to the E-rate *Academy of Math and Science Order*, which suggests that the Bureau believes the E-rate standard would be appropriate for the RHC program as well.

¹⁷ Commission regulations state that “[t]he deadline to submit a funding commitment request under the Telecommunications Program and the Healthcare Connect Fund is June 30 for the funding year that begins on the previous July 1.” 47 C.F.R. § 54.675(c)(4). See also *In the Matter of Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, FCC 19-45, para. 13 (rel. May 20, 2019) (*2019 HCF Cap Order*). This order also cited to the Commission’s regulations setting forth the filing window deadline as June 30 for the funding year beginning on the previous July 1. See *id.* at n.37.

¹⁸ If USAC believes that the 28-day period had not yet expired and the application could not be filed prior to June 1 because of the Form 465 submission date, the application would have only been one day late.

¹⁹ In addition, the Commission allowed an entire subset of applicants with multi-year applications to file 30 days later this year, so this application would have been filed within that time frame, had USAC’s system not prevented River Valley from doing so. *2019 HCF Cap Order* at para. 13 (extending filing deadline from May 31, 2019 to June 30, 2019 for certain applicants that filed multi-year and upfront payment funding requests in the Healthcare Connect Fund program).

filing an application simply because it was unable to access and click the submit button on the USAC website.

Conclusion

River Valley's request for waiver of the filing deadline would not be necessary but for errors caused by USAC's online filing system that were beyond River Valley's control. For the foregoing reasons, River Valley requests that the Commission waive the filing deadline to accept its application as timely filed and to the extent necessary to grant the requested relief.

/s/ Misty Simpson

Misty Simpson
Technology Coordinator
River Valley Primary Care Services, Inc.
9755 West State Hwy 22
P.O. Box 130
Ratcliff, AR 72951
(479) 431-2675 Ext. 9025
mistys@rvpcs.org

List of Exhibits

- Exhibit 1 Request for Appeal filed by River Valley Primary Care Services, Inc., on June 13, 2019 (River Valley Appeal)
- Exhibit 2 River Valley FCC Form 465, Application No. 43195484, filed May 3, 2019
- Exhibit 3 Letter from Rural Health Care Division, USAC, to Misty Simpson, River Valley Primary Care Services, Inc., May 3, 2019
- Exhibit 4 Periodical Articles Governor Asa Hutchinson, *Governor Hutchinson Declares a State of Emergency Ahead of Flooding*, Press Release (May 24, 2019) <https://governor.arkansas.gov/news-media/press-releases/governor-hutchinson-declares-a-state-of-emergency-ahead-of-flooding>; FEMA: *As of Mid-June, Arkansas' Sebastian County Had Most Flood Claims*, Insurance Journal (July 9, 2019) <https://www.insurancejournal.com/news/southcentral/2019/07/09/531594.htm>; Dennis Mersereau, *'Near Catastrophic' Flooding Predicted in Fort Smith, Ark., As Heavy Rain Continues Drenching Plains*, Forbes (May 25, 2019) <https://www.forbes.com/sites/dennismersereau/2019/05/25/near-catastrophic-flooding-predicted-in-fort-smith-ark-as-heavy-rain-continues-drenching-plains/#5a559ee8f261>; Doug Stanglin and Trevor Hughes, *Arkansas River Bursts Through Levee North of Little Rock, Triggering Evacuations*, USA Today (May 31, 2019) <https://www.usatoday.com/story/news/nation/2019/05/31/arkansas-flood-levee-breach-prompts-evacuations-north-little-rock/1297285001/>
- Exhibit 5 Email from Rural Health Care Division, USAC, to Misty Simpson, River Valley Primary Care Services, Inc., June 14, 2019 (Administrative Remedy Emails)

EXHIBIT 1

ID	10614176600756	Proceeding	CC 02-60
Name of Filer	River Valley Primary Care Services, Inc.		
Type of Filing	COMMENT	Filing Status	DISSEMINATED
Viewing Status	Unrestricted		
Date Received	Jun 14, 2019	Date Posted	Jun 14, 2019
Address	9755 West State Hwy 22 PO Box 130	City State ZIP	Ratcliff AR 72951
Brief Comment	<p>I was unable to file my form 466 due to the fact that I had no available options on my portal that would allow me to file my 466. It wasn't until after emailing back and forth with Eric that something happened on their end and the button I need to click to file the 466 was there. By this time it was 8:30 PM EST. I rushed home to file it and turn it in but when I got to the last page I was able to approve but not submit and certify. I don't see how our FQHC clinics will make it without the funding from USAC as we lost one of our clinics in the flood in Fort Smith. If we are out 100% of internet cost plus the cost of rebuilding our Eastside Clinic, I'm worried that may do us in. I'm not one to wait until the last second to get things turned in for this reason but this was out of my hands. I checked every day to see if my Form 465 to be approved and me to have the button to start my 466. I am new to this so by 6:00 PM CST was a little panicked and started emailing RHC for help. Please let me know if I can be of further assistance by sending you a copy of the emails between Eric and me or anything else you might need. I thank you in advance for your time and any assistance you might be able to provide. With kindest regards. Misty Simpson</p>		

EXHIBIT 2

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.

Form 465 Application Number (assigned by RHCD) 43195484

Block 1: HCP Location Information

Information required in this block applies to the physical location of the HCP. Do not enter a "PO Box" or "Rural Route" address.

1 HCP Number 22233	2 Consortium Name	
3 HCP Name River Valley Primary Care Services, Inc. - Ratcliff	4 HCP FCC Registration Number (FCC RN) 0024896896	
5 Contact Name Misty D Simpson		
6 Address Line 1 9755 W STATE HIGHWAY 22		
7 Address Line 2	8 County Logan	
9 City RATCLIFF	10 State AR	11 ZIP Code 72951
12 Phone # (479) 849-6025	13 Fax # (479) 431-2676	14 E-mail mistys@rvpcs.org

Block 2: HCP Mailing Contact Information

15 Is the HCP's mailing address (where correspondence should be sent) different from its physical location described in Block 1?	<input checked="" type="checkbox"/> Yes, complete Block 2 <input type="checkbox"/> No, go to Block 3.	
16 Contact Name Misty D Simpson	17 Organization River Valley Primary Care Services, Inc.	
18 Address Line 1 P. O. Box 130		
19 Address Line 2		
20 City Ratcliff	21 State AR	22 ZIP Code 72951
23 Phone # (479) 849-6025	24 Fax # (479) 431-2676	25 E-mail mistys@rvpcs.org

Block 3: Funding Year Information

26 Funding Year (Check only one box)
<input checked="" type="checkbox"/> Year 2019 (07/01/2019 - 06/30/2020) <input type="checkbox"/> Year 2020 (07/01/2020 - 06/30/2021) <input type="checkbox"/> Year 2021 (07/01/2021 - 06/30/2022)

Block 4: Eligibility

27 Only the following types of HCPs are eligible. Indicate which category describes the applicant. (Check only one.)	
<input type="checkbox"/> Post-secondary educational institution offering health care instruction, teaching hospital or medical school	<input type="checkbox"/> Rural health clinic
<input checked="" type="checkbox"/> Community health center or health center providing health care to migrants	<input type="checkbox"/> Skilled nursing facility
<input type="checkbox"/> Local health department or agency	<input type="checkbox"/> Consortium of the above
<input type="checkbox"/> Community mental health center	<input type="checkbox"/> Dedicated ER of rural, for-profit hospital
<input type="checkbox"/> Not-for-profit hospital	<input type="checkbox"/> Part-time eligible entity

28 If consortium, dedicated emergency department, or part-time eligible entity was selected in Line 27, please describe the entity.

29 Please describe the eligible health care provider's telecommunications and/or Internet service needs, so that service providers may bid to provide the services. The description should describe whether video or store and forward consultations will be used, whether large image files or X-rays will be transmitted, the quality of connection needed, or other relevant considerations.

Block 5: Request for Services30 The HCP is requesting reduced rates for: ☒ Telecommunications Service

Block 6: Certification

31 <input checked="" type="checkbox"/> I certify that I am authorized to submit this request on behalf of the above-named health care provider (HCP), that I have examined this request, and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.	
32 <input checked="" type="checkbox"/> I certify that the health care provider (HCP) has followed any applicable State or local procurement rules.	
33 <input checked="" type="checkbox"/> I certify that the telecommunications services that the HCP receives at reduced rates as a result of the HCP's participation in this program, pursuant to 47 U.S.C. § 254 as implemented by the Federal Communications Commission, will be used solely for purposes reasonably related to the provision of health care service or instruction that the HCP is legally authorized to provide under the law of the state in which the services are provided and will not be sold, resold, or transferred in consideration for money or any other thing of value.	
34 <input checked="" type="checkbox"/> I certify that the health care provider (HCP) is a non-profit or public entity.	
35 <input checked="" type="checkbox"/> I certify that the health care provider (HCP) is located in a rural area. Visit the Eligible Rural Areas Search Tool on the Telecommunications Program web page at http://usac.org/rhc/telecommunications/tools/rural/search/search.asp or contact RHC at (800) 453-1546 for a listing of rural areas.	
36 <input checked="" type="checkbox"/> Pursuant to 47 C.F.R. § 54.601 and 54.603, I certify that the health care provider (HCP) that I am representing satisfies all of the requirements herein and will abide by all of the relevant requirements, including all applicable FCC rules, with respect to funding provided under 47 U.S.C. § 254.	
37 Signature Electronically signed	38 Date 03-May-2019
39 Printed name of authorized person Misty D Simpson	40 Title or position of authorized person Technology Coordinator
41 Employer of authorized person River Valley Primary Care Services	42 Employer's FCC RN 0024896896

Please remember:

- ◆ Form 465 is the first step a health care provider must take in order to receive the benefit of reduced rates resulting from participation in this universal service support program.
- ◆ After the HCP submits a complete and accurate Form 465, RHCD will post it on the RHCD web site for 28 days.
 - ◆ HCPs may not enter into agreements to purchase eligible services from service providers before the **28 days expire**.
 - ◆ After the HCP selects a service provider, the HCP must initiate the **next** step in the application process, the filing of Form 466.

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

Part 54 of the Federal Communications Commission's (FCC) rules authorize the FCC to collect the information requested in this form. Responses to the questions herein are required to obtain the benefits sought by this form. Failure to provide all requested information will delay processing or result in the form being returned without action. Information requested by this form will be available for public inspection. The information provided will be used to determine whether approving this request is in the public interest.

We have estimated that each response to this collection of information will take 1 hour. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0804), Washington, DC 20554. We will also accept your comments via the Internet if you send them to pra@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L.104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507.

This form should be submitted online through the RHC Program online application system, My Portal.
<https://forms.universalservice.org/usaclogin/login.asp>

Block 1: HCP Location Information (continued)

Legal Entity Name: River Valley Primary Care Services

Contact Employer: River Valley Primary Care Services, Inc.

Title: IT Coordinator

Block 4: Eligibility (continued)

Provide a brief explanation of why this site qualifies as the organization type selected.

River Valley Primary Care Services is a Community Health Center that provides medical services to the underserved(rural) area without regard to the patients ability to pay.

Tribal affiliation:

- ☐ On Tribal Lands
- ☐ Operated by the Indian Health Service
- ☐ Otherwise Affiliated with a Tribe
- ☒ N/A

Additional Information

Employer Identification Number (EIN): 86-1082670

National Provider Identifier (NPI): 1952349003

Explanation if no NPI:

Organization Taxonomy Code: 261QF0400X

Site Taxonomy Code: 261QF0400X

Explanation if no Site Taxonomy Code:

Block 5: Request for Services (continued)

Requested Contract Period: 3 years

Number of Days USAC Should Post: 28

Posting End Date: 28 days after posting

Expected Bid Evaluation Period (Days): 14

Identify Anticipated Application(s) and Use(s) of the Supported Connection

Capability	Usage Level	Usage Period
Category: Interactive		
<input checked="" type="checkbox"/> Distance learning/training	Moderate-Heavy	Business Hours
<input checked="" type="checkbox"/> Real-time remote examination, consultation, and/or monitoring	Moderate-Heavy	Business Hours
<input checked="" type="checkbox"/> Video conferencing	Moderate-Heavy	Business Hours
<input checked="" type="checkbox"/> Voice service	Heavy	24/7
<input type="checkbox"/> Other (describe):		
Category: Transactional		
<input checked="" type="checkbox"/> Distance learning/training	Heavy	Business Hours
<input checked="" type="checkbox"/> Electronic patient billing	Heavy	24/7
<input checked="" type="checkbox"/> Exchange of electronic health records	Heavy	Business Hours
<input checked="" type="checkbox"/> Transmission of large files (e.g., X-ray images, MRI, etc)	Heavy	24/7
<input type="checkbox"/> Other (describe):		
Category: Bulk		
<input checked="" type="checkbox"/> Electronic patient billing	Heavy	Business Hours
<input checked="" type="checkbox"/> Exchange of electronic health records	Heavy	Business Hours
<input checked="" type="checkbox"/> Transmission of large files (e.g., X-ray images, MRI, etc)	Heavy	Business Hours
<input type="checkbox"/> Transmission of store and forward consultations		
<input type="checkbox"/> Other (describe):		
Category: Miscellaneous		
<input checked="" type="checkbox"/> Backup/redundant connectivity	Heavy	24/7
<input type="checkbox"/> Other (describe):		

Bid Evaluation

Select criteria (and weights assigned to each) that will be used to evaluate bids received as a result of this request for services.

Criteria	Description (if 'Other')	Weight (%)
Bandwidth		20%
Prior experience including past performance		20%
Technical Support		20%
Cost		40%

Declaration of Assistance

Contact 1

Contact Name:

Organization Type:

Title:

Employer:

Phone #:

Email:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

Contact 2

Contact Name:

Organization Type:

Title:

Employer:

Phone #:

Email:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

Declaration of Assistance (continued)Contact 3

Contact Name:

Organization Type:

Title:

Employer:

Phone #:

Email:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

Contact 4

Contact Name:

Organization Type:

Title:

Employer:

Phone #:

Email:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

Contact 5

Contact Name:

Organization Type:

Title:

Employer:

Phone #:

Email:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

EXHIBIT 3

Date: 03-May-2019
Program: Telecommunications Program
Funding Year: 2019
Health Care Provider (HCP) Number: 22233
HCP Name: River Valley Primary Care Services, Inc. - Ratcliff
FCC Form 465 Application Number: 43195484

The Universal Service Administrative Company (USAC)'s Rural Health Care Program received the FCC Form 465 (Description of Services Requested and Certification Form) submitted by the HCP referenced above on 03-May-2019 at 06:47 PM. USAC has reviewed the form and determined that the HCP is eligible to participate in the RHC Program. The FCC Form 465 was posted on the USAC website on 03-May-2019.

Next Steps

The FCC Form 465 must be posted on the USAC website for a minimum of 28 days before the HCP may enter into a service agreement or sign a contract for services. The earliest date the HCP may enter into an agreement with the service provider is called the Allowable Contract Selection Date (ACSD). The HCP's ACSD is 01-Jun-2019.

USAC recommends that all HCPs develop criteria to evaluate bids received from service providers. Using pre-established evaluation criteria will help ensure selection of the most cost-effective offer as required by the FCC's competitive bidding rules.

Once services and a service provider have been selected, use the FCC Form 466 (Funding Request and Certification Form) to request funding for each circuit/service. The FCC Form 466 submission must contain all required documentation. USAC cannot begin review of the form until all required information has been received.

For More Information

Please do not reply directly to this email, as emails to this account will not be delivered to the RHC Program team. For questions or assistance, contact the Rural Health Care Program Help Desk at (800) 453-1546 or by email at rhc-assist@usac.org.

For more information about the Telecommunications Program application process, refer to the Telecom Program Getting Started web page at <http://www.usac.org/rhc/telecommunications/process-overview/default.aspx/>.

For more information about the FCC Form 465, visit the Telecommunications Program Forms web page at <http://www.usac.org/rhc/telecommunications/tools/forms/>.

The primary account holder will be copied on this and all correspondence from USAC related to this HCP.

EXHIBIT 4

[\(https://governor.arkansas.gov/\)](https://governor.arkansas.gov/)

News & Media

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For Immediate Release

05.24.2019

Governor Hutchinson Declares a State of Emergency Ahead of Flooding

LITTLE ROCK – Governor Asa Hutchinson has declared a State of Emergency for Arkansas in anticipation of severe flooding along the Arkansas River in the coming week.

You can find the Executive Order, EO 19-05, [HERE](#)
(https://governor.arkansas.gov/images/uploads/executiveOrders/EO_19-05.pdf).

Earlier, Governor Hutchinson directed Arkansas National Guard General Mark Berry to deploy 26 members of the Arkansas Guard in anticipation of the flooding. Two high-water-rescue teams will be stationed in western Arkansas by Saturday morning and will move southeast with the floodwaters. The Governor will direct the deployment of more guardsmen as needed.

The Arkansas River is expected to crest at record levels this weekend and continue through next week. The Governor encourages Arkansans to stay alert and heed the warnings of local emergency management officials.

CONTACT: Press Shop (press@governor.arkansas.gov (<mailto:press@governor.arkansas.gov>) or 501.682.3642)

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FEMA: As of Mid-June, Arkansas' Sebastian County Had Most Flood Claims

July 9, 2019

✉ Email This (<mailto:?subject=FEMA%3A%20As%20of%20Mid-June%2C%20Arkansas%26%238217%3B%20Sebastian%20County%20Had%20Most%20Flood%20Claims>)

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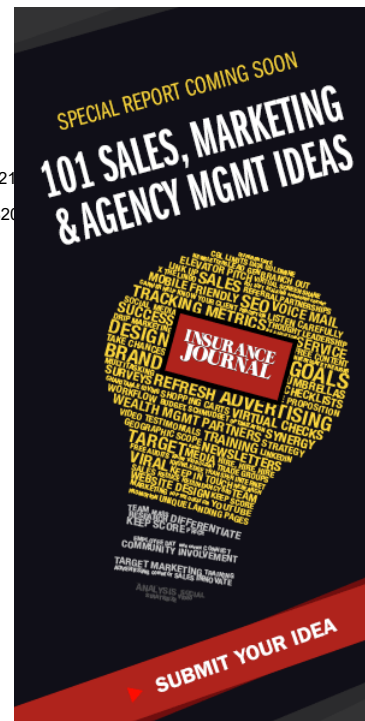
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From April through mid-June, more than 230 claims stemming from flooding of the Arkansas River and its tributaries in Arkansas had been filed with the National Flood Insurance Program (NFIP), according to the Federal Emergency Management Agency.

In an announcement released June 15, FEMA said the highest concentration of claims at that point were from policyholders in Sebastian County, home to Fort Smith.



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The Arkansas River peaked at around 44 feet at Fort Smith, according to Irvine, California-based data analytics provider CoreLogic. The previous flood stage record at Fort Smith was 38 feet.

Only about 3 percent of property owners are insured for flood in the Fort Smith area, CoreLogic pointed out in a June 11 webinar discussing severe weather in May 2019.

As of 2017, 16,777 NFIP Flood policies were in effect in Arkansas, according to the Insurance Information Institute (I.I.I.). That total includes a combination of NFIP direct written policies (3,174) and write your own (WYO) policies (13,503).

More than 20 percent of all NFIP claims come from outside the areas of highest risk, according to the Arkansas Insurance Department.

In its June 11 webinar, CoreLogic looked at properties at risk in the late-May flooding in three of the state's counties: Crawford, Pulaski and Sebastian. They were among the 16 Arkansas counties named in a FEMA disaster declaration on May 30.

CoreLogic recognized that flood claims and damage costs had not been fully realized, but focusing on moderate to high risk properties close to but outside of FEMA-recognized special flood hazard areas, or SFHAs, the data analytics firm said it found:

- In Pulaski county — which includes Little Rock, North Little Rock — 21.4 % of properties were at moderate to high risk for flooding, while 4.4% of properties were at very high risk. That is, they were situated in 100-year flood plain.
- In Crawford county, which includes Van Buren, across the Arkansas River from Fort Smith — 14.1% of properties were in moderate to high risk areas and 2.7 % were in a very high risk zone.
- In Sebastian County, where Fort Smith is located, 16.1% of properties were at moderate to high risk and 3.1% were at very high risk.

CoreLogic said its preliminary analysis showed that a total of 461 properties in the three counties potentially suffered flood damage at a reconstruction cost value of \$144,043,93.

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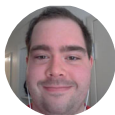
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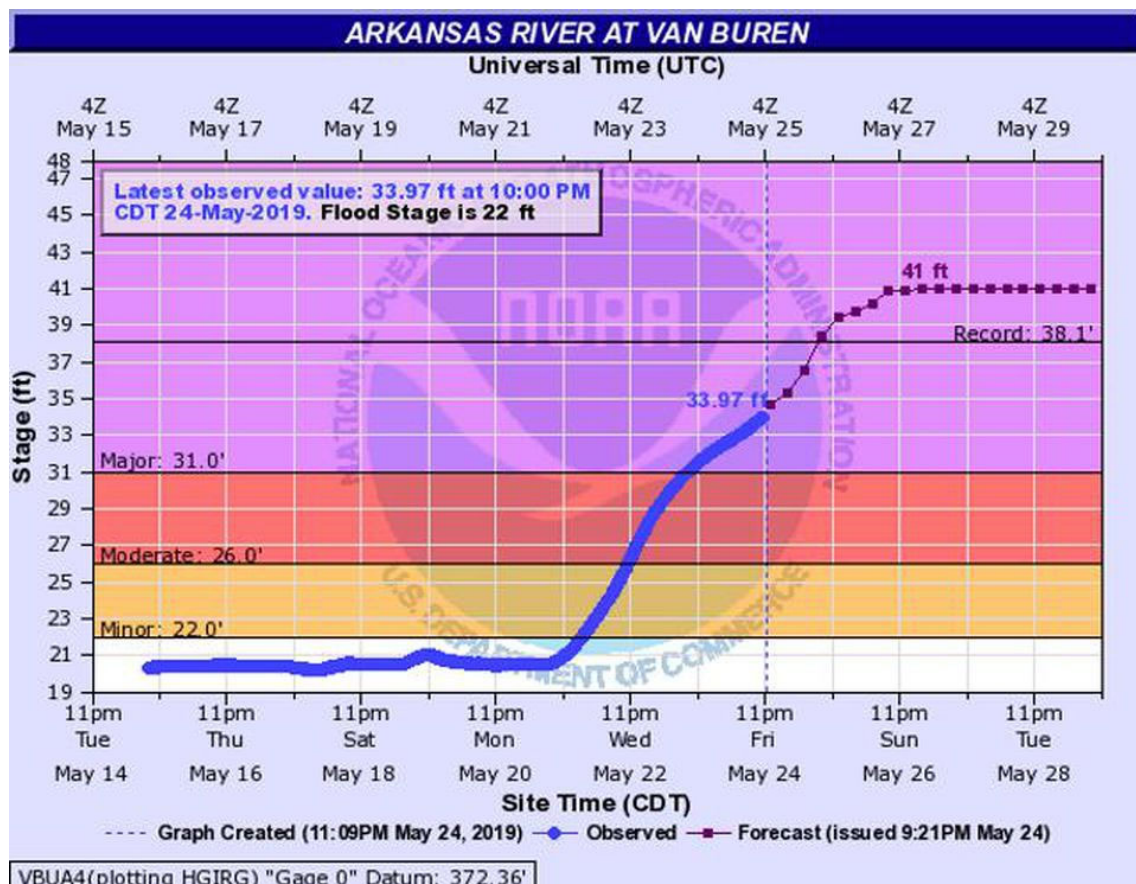
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'Near Catastrophic' Flooding Predicted In Fort Smith, Ark., As Heavy Rain Continues Drenching Plains



Dennis Mersereau Contributor

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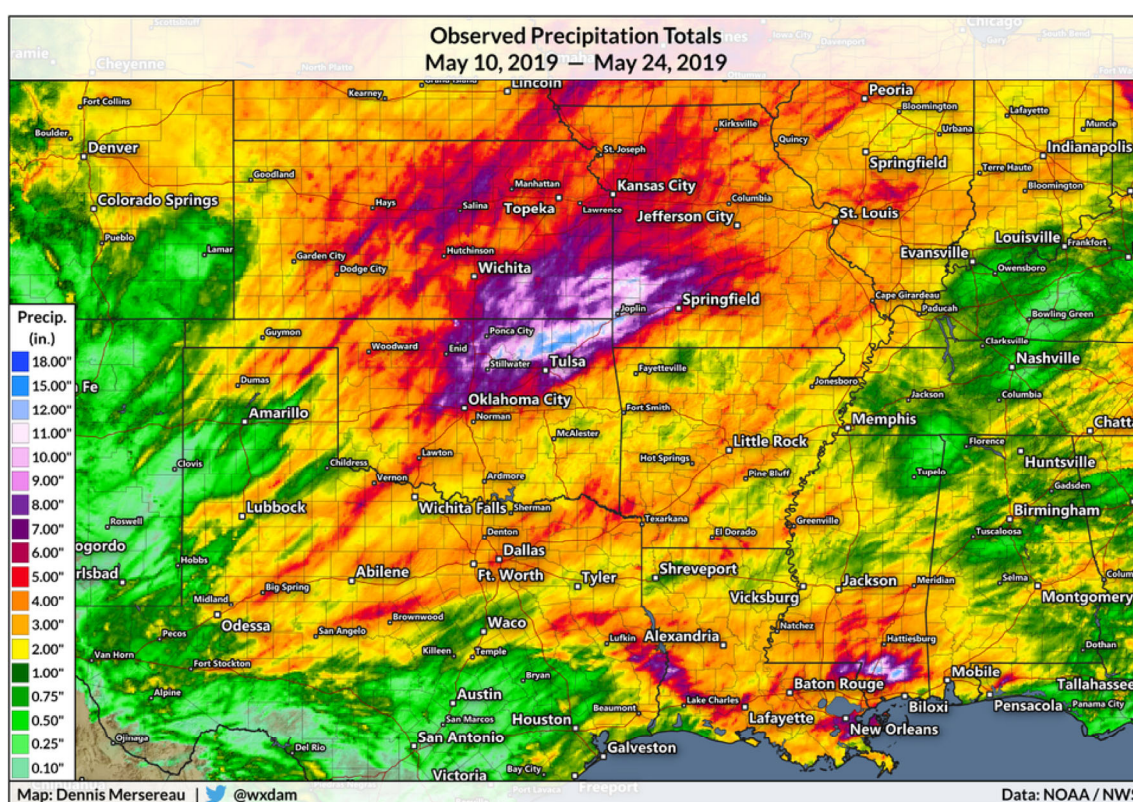


The National Weather Service's river height forecast along the Arkansas River in Fort Smith, Arkansas.
NOAA/NWS/AHPS

The National Weather Service warns of “near catastrophic flooding” this weekend along the Arkansas River in Fort Smith, Arkansas, the result of weeks of extremely

heavy rain from persistent severe thunderstorms in the central United States. Heavy rain from strong thunderstorms will continue to drench the Plains and Midwest through next week, exacerbating an already-extreme flooding event slowly unfolding across the region's waterways.

A significant number of communities are struggling to stave off floodwaters this weekend as the runoff from weeks of heavy rain piles into—and promptly spills out of—local waterways. The hardest-hit region lies along the Arkansas River in Oklahoma and Arkansas. Focused bouts of heavy rain have pushed the river to record flooding, reaching heights never before seen in modern recordkeeping.



Observed rainfall totals between May 10, 2019, and May 24, 2019. DENNIS MERSEREAU

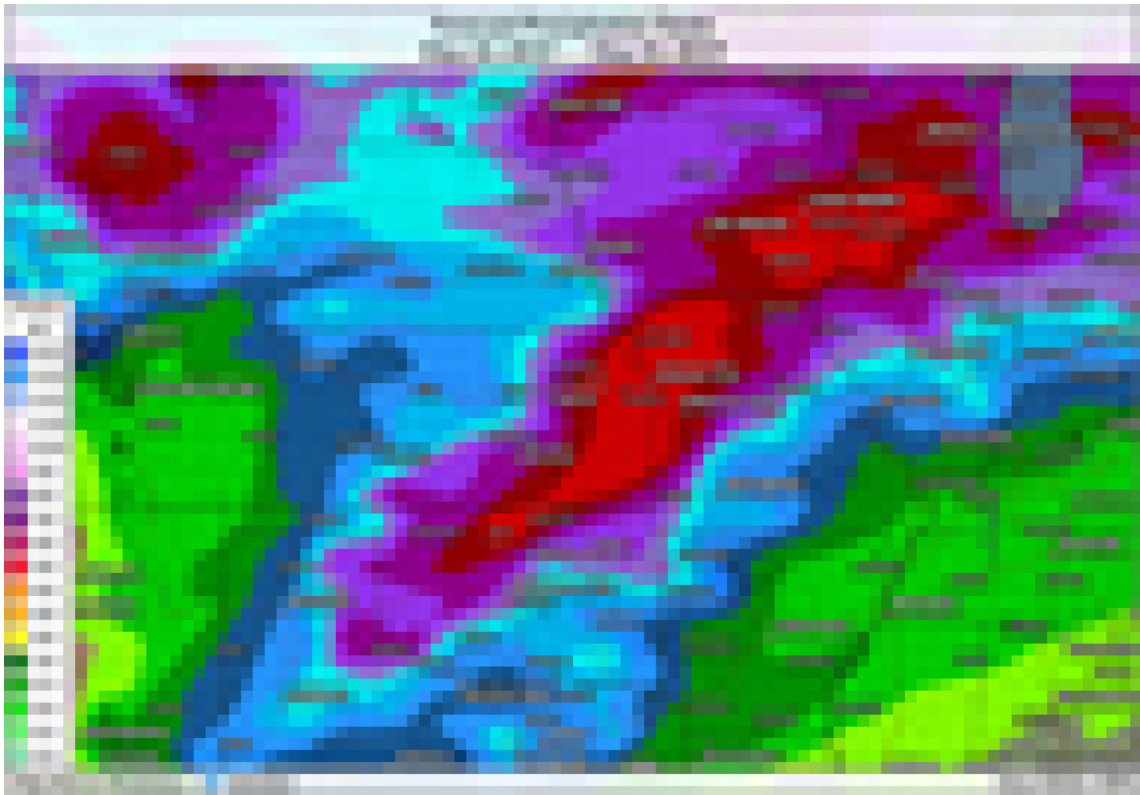
The Arkansas River in Fort Smith, Arkansas, is [predicted to reach 41 feet](#) by Saturday evening, which would shatter the previous record crest of 38.1 feet set back in April 1945. The river could reach an even higher crest if more rain than currently predicted falls in the Arkansas River basin across northern Oklahoma.

A 41-foot crest in Fort Smith would be “near catastrophic,” according to the National Weather Service. Here’s what the agency says happens [once the river reaches 37 feet](#) in depth:

“ The port of Fort Smith and nearby businesses are severely flooded. Several residential subdivisions around Fort Smith are flooded. Backwater flooding occurs in the trailer parks next to Lee Creek. This exceeds conditions which occurred on May 5, 1990 when the river crested at 36.1 feet. This is an extremely dangerous and life threatening situation.

The river is predicted to soar four feet higher, leading to unprecedented flooding around the city of 88,000. The latest flood warning from the NWS warns that the flooding in Fort Smith is a “dangerous and life-threatening situation,” as the record crest will inundate numerous homes and neighborhoods near the river.

Other communities along the Arkansas River will see near-record or all-time record flooding. The river crested at 22.2 feet in [Tulsa, Oklahoma](#), on Thursday night, the third-highest crest on record and its deepest level since the all-time record flood in October 1986. Forecasters expect the river gauge [near Conway, Arkansas](#), to see an all-time record crest of just over 283 feet by Wednesday morning.



The National Weather Service's precipitation forecast between May 24, 2019, and May 31, 2019. DENNIS MERSEREAU

The [Storm Prediction Center](#) expects several more rounds of strong and severe thunderstorms to roll across the Plains states through early next week. Each round of storms could dump more water into the Arkansas River watershed, which will exacerbate the flooding situation downstream.

Friday night's precipitation forecast from NOAA's [Weather Prediction Center](#) showed several more inches of rain falling in northern Oklahoma and southern Kansas. This precipitation is factored into the current river height forecasts. It's not uncommon for thunderstorms to train, or repeatedly move over the same areas for hours at a time. Thunderstorm training could lead to higher rainfall totals than predicted, which will contribute to even greater flooding.



Dennis Mersereau

I'm a writer who focuses on the weather and everything related to it, from sprawling storms that span continents to the interpersonal issues we encounter when trying to ... **Read More**



Arkansas River bursts through levee north of Little Rock, triggering evacuations

Doug Stanglin and Trevor Hughes, USA TODAY Published 10:00 a.m. ET May 31, 2019 | Updated 2:43 p.m. ET May 31, 2019

TULSA, Oklahoma – The swollen Arkansas River ripped through a 40-foot section of a levee about 75 miles northwest of Little Rock, Arkansas, early Friday morning, prompting flash-flood warnings and evacuations in rural areas around Dardanelle and Holla Bend.

The National Weather Service issued a flash flood warning in the area, warning that some 5,700 people, four schools and a hospital were potentially exposed to the flooding. The NWS urged people to move to higher ground.

"Water is going to do what it wants to do," Yell County Judge Mark Thone told reporters at a news conference. "We're just trying to head this off."

Jimmy Witt, mayor of Dardanelle, called on the 4,500 residents of his town to begin immediate sandbagging operations. He said he expected water to encroach the town "from the bayou side."

"I ask you to please not panic, we have time to prepare for this," Witt said on his Facebook page (https://www.facebook.com/permalink.php?story_fbid=2371780549534888&id=2212843135428631).

The weather service noted a slight dip in the water level for the levee at Dardanelle, likely due to the breach.



Flood waters surround homes, May 30, 2019 in Fort Smith, Ark. The Arkansas River held steady at record levels Thursday, putting enormous pressure on aging levees and offering little relief to areas enduring historic flooding. (Photo: Hannah Grabenstein, AP)

"An historic flood event is expected along the Arkansas River in the coming days," warned the weather service in Little Rock. "Some long-time record

crests could be surpassed by five feet above the record set in 1945."

This is the same river that's flooded hundreds of homes in the Tulsa area, and the high water is rolling downstream as the Arkansas River makes its way to its confluence with the Mississippi River and then down into the Gulf of Mexico. Authorities say flooding danger will rise through at least the weekend along the river.

Arkansas authorities urged residents to evacuate the area, which is largely rural with dirt roads crisscrossing farm fields.

Drone footage published by the Yell County Sheriff's Department showed the muddy water streaming through the dirt levee, surrounding several buildings with several feet of water. Yell County officials had anticipated the breakthrough and urged residents in about 160 homes in the nearby Holla Bend area to evacuate Thursday.

Emergency management officials say crews were going door-to-door to recommend evacuation for about 160 homes.

Gov. Asa Hutchinson, along with several federal lawmakers, surveyed the inundated area by air on Thursday and said more than 500 homes have been affected by flooding.

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"As I flew over today, the most significant impression I had is that it's hard to imagine the magnitude of the flooding," Hutchinson told reporters in Fort Smith. "It is hard to comprehend. We have never seen this before, and we have never had to deal with this before."

At least one person, a 64-year-old man, has died in the flooding. He died on Tuesday after apparently ignoring a barricade at roadway near Fort Chaffee, Arkansas. His body was found in a submerged vehicle.

The Arkansas River began rising sharply after the U.S. Army Corps of Engineers released water from a swollen lake near Tulsa that had risen sharply due to heavy rains in Oklahoma and Kansas.

In Tulsa, authorities say the lowering water levels may reveal damage to the levees, which have been soaked for days. On Friday, they announced a 20-foot-deep sinkhole had opened beneath a street.

Weather service officials have said flooding will continue along the river as water crests on its way downstream over the next week toward the Mississippi River.

Earlier this year, about two dozen levee systems were breached or overtopped during Missouri River flooding that devastated parts of Nebraska, Iowa and Missouri.

Contributing: Associated Press

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EXHIBIT 5

From: <rhc-assist@usac.org>
Date: Fri, Jun 14, 2019 at 10:38 AM
Subject: Re: Appeal Form 466
To: <mistys@rvpcs.org>

Hello Misty,

Thanks for reaching out to us. An administrative remedy is not available at this time. You should move forward with submitting the appeal to the FCC, as the filing window deadline is an FCC rule and USAC does not have the authority to make any exceptions. You can also submit all your evidence with the appeal.

If you have any other questions or concerns, please contact us at rhc-assist@usac.org.

Warmest Regards,
Tanya

RHC-Assist Support Team

Rural Health Care Program

Universal Service Administrative Company

RHC-Assist@usac.org

Be sure to check out our webinars in the Trainings and Outreach section of the website [here](#)

On 6/14/2019 12:12 AM, Misty Simpson wrote:

Applicant: River Valley Primary Care Services Inc (HCP Number: 22233)

Contact Person:
Misty Simpson
9755 West State Hwy 22
Ratcliff, AR 72951
(479)849-6025
mistys@rvpcs.org

On day of the Form 466 deadline, I became confused as to which funding year we were working with when I signed in again to complete my Form 466 and there was no option to file the form.

I finally sent an email asking for help. After going back and forth for a while and asking about the funding year, the individual, Eric, must have done something on his end that allowed me to

fill out the form. By this time, it was 8:30 PM EST.

I rushed home to start on the Form 466. After completing the form, I sat there for hours emailing and asking for help because I can approve the form but the Certify & Submit button is "grayed" out and I have not been able to submit the form.

I have been meaning to submit the appeal that will allow me to submit my Form 466 but in the midst of all of this, we had a clinic flood in Fort Smith, AR. It is a total loss and I have been working 12+ hours a day helping with removing all the technology and testing it all to see if any of it works or not. These last few weeks have been crazy.

I am not one to wait until the last second to turn in forms but had no choice because somehow, the action on my 465 had nothing available that allowed me to file the Form 466 until the last email from Eric O. I don't see how our clinics can make it without the help and support from USAC.

Please let me know if there is anyway that I can go ahead and turn this for in.

I thank you in advance for your time and any assistance you might be able to provide to our clinics.

With kindest regards.

Misty Simpson

Technology Coordinator

River Valley Primary Care Services

Office: (479) 431-2675 Ext. 9025

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