

July 31, 2017

REQUEST FOR REVIEW

CC Docket No 02-6

E-Rate Appeal filed Electronically via FCC ECFS System

Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street SW

Washington, DC 20554

Information

Applicant Name:	MSD Martinsville
Billed Entity Number:	130253
Funding Year:	2014
Form 471 Application:	974677
Funding Request Number:	2654363
Service:	Telecommunications Service
Service Provider:	HRS Internet DBA Lightbound (SPIN: 143031449)

To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year 2014 – dated July 13, 2017, in connection with FRN 2654363 on 471 Application Number 974677. A copy of the Administrator's Decision on Appeal is attached hereto as Exhibit A. In addition, MSD Martinsville is appealing the Demand Payment Letter dated July 13, 2017 – Finding 1. A copy of the Demand Payment Letter is attached hereto as Exhibit B.

Text Being Requested for Review:

Administrator's Decision on Appeal – "During the Payment Quality Assessment (PQA) review, it was determined that MSD Martinsville selected its service provider prior to the close of the mandatory 28-day waiting period. On appeal, your documentation failed to prove otherwise, therefore your appeal is denied."

"You selected your vendor for new products and/or services prior to the expiration of the 28 day posting period. "

Demand Payment Letter: "Finding 1 – The applicant selected a service provider prior to the expiration of the 28-day posting period".

Appeal Review Request:

Administrator's Decision on Appeal (Exhibit A)

- The documents provided to the USAC Reviewer in the Appeal of the USAC Notification of Commitment Adjustment Letter – March 8, 2017 – Exhibit C – prove that MSD Martinsville did not violate the FCC 28-day posting period – therefore the USAC Reviewer issuing the Administrator's Decision on Appeal FY 2014-15 – July 13, 2017 – Exhibit A – erred in that determination. The record does not support the USAC Administrator's Decision.
- MSD Martinsville did not disregard the FCC Erate competitive bidding requirements.
 - a) On 11/10/2012 MSD Martinsville posted FY 2013 470 #938970001059195 (Exhibit D - FCC Form 470). The services included on the 470 are highlighted on page 2 of 7 on the exhibit. The Allowable Contract Date is highlighted on page 1 of 7.
 - b) MSD Martinsville, per USAC guidance through the USAC Fall 2013 Annual Applicant Training, used the existing contract with HRS/Lightbound as a proposal. (Exhibit E - USAC Applicant Training Slides highlight). "An existing contract can be used as a bid response to your posted FCC Form 470."
 - c) On 12/8/2012, the Allowable Contract Date, MSD Martinsville Director of Technology – Greg Rollo reviewed and evaluated the HRS/Lightbound contract (Exhibit F - Evaluation Matrix), and determined the HRS/Lightbound existing contract/services to be the most cost effective solution. Mr. Rollo memorialized the HRS/Lightbound Contract (Exhibit G) using the allowable contract date on the posted FCC Form 470 of 12/8/2012 as directed by USAC Training - (Exhibit E USAC Applicant Training slides - see Page 2).
- In addition, the USAC reviewer (Exhibit C, Page 4, Finding 1) erred when stating that the service provider was selected on November 10, 2012. The record, per the memorialized agreement (See Exhibit G), shows that the contract was memorialized, on 12/8/2012 – after the 28-day posting period had elapsed.

Demand Payment Letter (Exhibit B)

MSD Martinsville does contest Finding 1 - based upon the documentation provided with this FCC Appeal and previously submitted to the USAC Reviewer followed the FCC 28-day posting period requirement – therefore the \$37,233.09 - FY 2014 FRN 2654363 funding should be fully restored to \$37,233.09, per the FCDL. -

MSD Martinsville does not contest Finding 2 – and will issue a check to USAC for \$11.11.

1) Summary

MSD Martinsville demonstrates through the documents provided with the FCC appeal and the USAC appeal that they adhered to the E-Rate rules by posting a 470 for services, waited 28 days to receive proposals, evaluated the lone proposal received and selected a vendor. The record demonstrates that no violation of the 28 day posting period requirement occurred and therefore no violation occurred.

I respectfully request that FY 2014 FRN 2654363 funding be fully restored to \$37,233.09, per the FCDL. -

Attached documents which support The Request for Review:

- **Exhibit A** – USAC Administrator's Decision on Appeal – FY 2014-15 – July 13, 2017
- **Exhibit B** – USAC Demand Payment Letter – FY 2014-15 – July 13, 2017
- **Exhibit C** – USAC Notification of Commitment Adjustment Letter – March 8, 2017
- **Exhibit D** - FY 2013 FCC Form 470 MSD Martinsville
- **Exhibit E** – FY 2013 USAC Applicant Training Slide
- **Exhibit F** – Evaluation Matrix MSD Martinsville
- **Exhibit G** – FY 2013 MSD Martinsville Memorialized Lightbound Internet and Telephone Contract

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Bret Lewis, if you have questions concerning this appeal or require additional information. His contact information is as follows:

Authorized person who can best discuss this Appeal:

Bret Lewis

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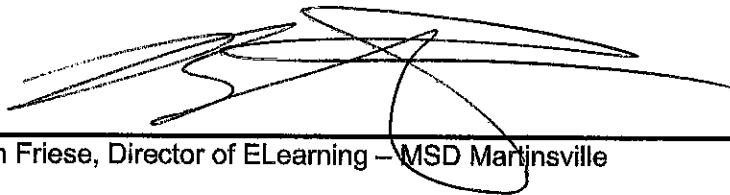
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(preferred mode of contact)

Authorized Signature:

A handwritten signature in black ink, appearing to read 'Brian Friese', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.

Name of Signer - Brian Friese, Director of ELearning – MSD Martinsville