

August 2, 2016

Appeal to FCC – Schools and Libraries Program: CC Docket No. 02-6

On behalf of Nex-Tech, Inc. (SPIN 143028558) and Barnes USD 223 (BEN 137784)

RE: Denial of Payment – 471 #944066, FRN #2873778

Contact Information:

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In the matter of Request for Review by Nex-Tech, Inc. (SPIN 143028558) and Barnes USD 223 (BEN137784) of Decision of Universal Service Administrator; docket 02-6.

Appeal of Denial of Payment – 471 # 944066, FRN #2873778

Nex-Tech, Inc. (SPIN 143028558) and Barnes USD 223 (BEN 137784) request a review of the denial of payment to Nex-Tech, Inc. on behalf of Barnes USD 223 for funding year 2014-2015, FRN 2873778.

Originally this service was filed as FRN 2621367 – Computer Solutions, Inc., SPIN #143010146 and was funded (FCDL date 06/04/2014).

- Attachment A: Funding Commitment Decision Letter - June 4, 2014
- Attachment B: Form 486 - July 25, 2014

Computer Solutions (SPIN 143010146) was sold to Nex-Tech, Inc. as of April 1, 2015 and the FRN was then split – 9 months to Computer Solutions under FRN 2621367 and 3 months to Nex-Tech, Inc. as FRN 2873778.

- Attachment C: SPIN Change Request - May 13, 2015

Revised Funding Letter Received for split FRN - June 19, 2015

- Attachment D – Revised FCDL - June 19, 2015

Form 486 was filed on 08/24/2015 for the new FRN.

- Attachment E: Form 486 with new FRN – August 24, 2015

Nex-Tech Inc. filed a SPI invoice

- Attachment F: Vendor SPI Invoice filed - September 14, 2015

The vendor noted no payment had been made and re-filed a SPI invoice on 04/26/2016. Also on 04/26/16, as a precautionary measure, the vendor appealed the deadline extension due to lack of notice/payment for the originally filed SPI.

- Attachment G: Vendor appealed due to lack of payment from USAC - April 26, 2016

The appeal was dismissed on 05/06/2016 as:

“You are appealing an FCC Form 944066 for which a decision letter has not yet been issued. Your appeal is premature and is being dismissed.”

- Attachment H: Denial by USAC noting appeal as premature - May 6, 2016

Since there had been a Funding Commitment Decision Letter, a request for additional information on why this request was rejected was sent through Submit a Question on 05/12/2016 – Case #22-894822.

The response was information regarding invoice extensions. Further information was requested on behalf of the applicant on 05/12/2016 – Case #85666. It was suggested this be presented again for review.

- Attachment I: Additional information requested since there has been a FCDL and appeal of non-payment is not premature (Submit A Question Case #22-894822 and EPC Case #85666) - May 13, 2016

Denial of the request for payment of services issued June 10, 2016 as:

“Invoices must be postmarked no later than 120 days after the last date to receive service, or 120 days after the date of the Form 486 Notification Letter, whichever is later. You did not demonstrate otherwise in your appeal. Therefore, your appeal is denied”.

- Attachment J: Denial due to invoice deadline - June 10, 2016

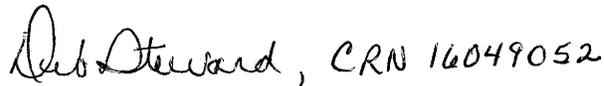
We respectfully suggest that invoices had been submitted in a timely manner. We believe non payment of the original invoice followed by the confusion regarding the date of the Funding Commitment Decision Letter (Revised FCDL dated 6/19/2015) and denial letter (dated 5/6/2016) began this misunderstanding and that forms were filed properly and in accordance with USAC regulations.

We request payment be approved in the amount of \$3,504.00.

Thank you for your consideration,



Donna Foley,
Nex-Tech, Inc.



Deb Steward,
E-Rate Consultant
Smoky Hill Education Service Center
For Barnes USD 223