

Docket No. 02-6
RFCDL Last Date to Invoice Waiver
FY2016 - FRN 1699082137

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We are respectfully appealing the Revised Funding Commitment Decision Letter Appeal Decision issued on 07/09/18 regarding the Last Date to Invoice (LDI) date for FRN 1699082137 for Funding Year 2016.

This FRN LDI extension request should fall under the below FCC issued waiver **DA 18-188** and should have been granted 120 days to invoice from the date of the post-commitment RFCDL which was issued on 03/17/2018. **Without the 2nd LDI extension approval, there was no possible way for the entity to release the RFCDL approved increase of funds as the RFCDL was received after the 1st LDI extension lapsed. This was beyond the entities control.**

Timeline below:

- The original FRN was approved on 12/28/16.
- An appeal was promptly filed to correct the reduced amount funded due to reviewer oversight on 01/03/17.
- As we awaited the appeal verdict the SPI reimbursement began and capped out before the end of the funding year. We requested two LDI extensions with the first being immediately approved and set for 02/27/18 hoping the RFCDL would be received prior to this date so the remaining eligible funds could be released.
- The appeal was approved with the RFCDL released on 03/17/18. The funds were increased back to the original requested.

- Unfortunately, the RFCDL was not received until after the LDI date on 02/27/18 which was over 14 months after filing the appeal.
- An Appeal was then filed with USAC on 05/09/18 requesting the 2nd LDI extension so the entity could release the approved funds.
- RFCDL Appeal denial was received on 07/09/18 as USAC cannot waive program rules.

"1. In this order, by our own motion, the Wireline Competition Bureau (Bureau) grants a limited waiver of the Commission's invoicing rules to allow certain E-rate program applicants and service providers to submit invoices beyond the 120-day extension already received and allowed by the Commission's rules.¹ Specifically, and subject to the limitations stated in this order, the Bureau waives the invoice extension rule to provide extraordinary relief for applicants and service providers that: (a) timely requested and received the one-time 120-day extension to invoice for funding year 2016 recurring charges from the Universal Service Administrative Company (USAC); and (b) are currently awaiting, or recently received, a revised funding commitment decision letter (RFCDL) issued for a post-commitment change request submitted to USAC (Affected Program Participants).

2. We direct USAC to allow Affected Program Participants to submit invoices for their funding year 2016 recurring service charges on or before 120 days from the date of their post commitment RFCDL. We take this action in response to the extraordinary circumstances created by technological system issues that delayed USAC's issuance of post-commitment RFCDLs for funding year 2016. As a direct result of this delay, Affected Program Participants may not receive their RFCDLs in time to submit accurate invoices by February 27, 2018, the extended invoice deadline for recurring services. Affected Program Participants, therefore, face the imminent and significant consequences of having their invoices rejected due to issues with USAC's systems that are beyond their control, and after they complied with the requirement to seek an extension before the original invoice deadline. Consistent with the Commission's direction that waivers of the E-rate invoicing rules be granted only in extraordinary circumstances,² we emphasize the limited and narrowly tailored nature of this decision. The relief granted by this order is limited to the specific facts and program participants described herein."

We request the LDI date be extended 120 days from the 2nd RFCDL date to provide the Library with enough time to release the eligible funds. The entity should not lose their eligible funding based on a reviewer oversight and the lateness of the actual appeal review. The ability to actual release funds was beyond the entities control as there was no way to release the increase of funds though all procedures and filings had been met.

Please contact me if you have any questions. Thank you for your consideration.



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