Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380
(985) 384-4100

August 8th, 2016

Jean Thomas Clark
Owner / Manager
Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re:

- In the matter of Request for Review by Delta Wave Communications, LLC of Decision of Universal Service Administrator"
- USAC Dismissal Appeal, (Filer ID – 823460)
- Dismissal of FCC appeal per attached document
- WC Docket 06-122.

Attachments: Additional email correspondences which are attached with USAC pertaining to the sequence of events that have taken place.. Email attachments can hereon be referenced by the beginning number, and are referenced below.

To Whom It May Concern:

As per my conversation with a representative from the FCC who called me last week (Aug. 4th). It was indicated that the appeal was "dismissed" and suggested that I resubmit the appeal with more detailed information regarding the case.

This is in reference to the reason for USAC's dismissal of my appeal which relates to the policy that was stated by USAC as: "You will be requesting waiver of the FCC-mandated 12-month downward revision deadline for the annual filing, FCC Form 499-A.".

Therefore, again, Pursuant to "§54.721 General filing requirements", I hereby appeal the FCC's dismissal of my appeal relating to the USAC rejection of my appeal relating to Form 2014 499A due to a series of circumstances which I would most sincerely hope the FCC would consider as a matter of fairness to me, and also as a matter of what the bottom line should have been, and was corrected, but due to technicalities, rejected due to technicalities that I was never made aware of throughout the process, which is outlined within the below items, and also correspondences between USAC and me.

Below is the sequence of events that led to the year 2014 499A filing revision which was rejected (due to downward revision and the technicality due to the timeframe (while 2015's was accepted). All attached CORRESPONDENCEs are numbered for easy reference and I will refer to them as such to hopefully make it easier to follow. (In short, our account went from a credit of $10,180.93 to a current balance owing of $39,521.83 (incorrect amount owing plus interest?) The attached July USAC invoice also shows some very large amounts owing for several months, but it does appear as though they were credited back, if I am reading them correctly.

A. CORRESPONDENCE 1 is mostly what began this entire situation around the Nov., 2015 timeframe.. At the time, we had a credit of $10,180.93. That month, Delta Wave was in the process of moving accounts to another provider, as we downsized due to economic reasons, and our Distribution Providers were cutting us off due to large accounts receivables. Up until that time, Delta Wave had been using Compliance Solutions to assist with the filings subsequent to our in-house employee having done so before she left Delta Wave. Upon taking the advice of a business consultant, we ended our relationship with Compliance Solutions in November due to what we deemed to be the high fees they were charging us, along with some inconsistencies that were found when the filings were made, also as pointed out by USAC in CORRESPONDENCE 1. As that was the case, and as I had no-one else within Delta Wave's organization who was in position to work with the filings, I took it upon myself to work with them, although never having had previously worked with 499's, and had no other choice or resource at hand, nor could I afford outside

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help. As one who is more inclined towards sales, marketing, and tech support, this was a learning curve indeed.

B. CORRESPONDENCES 2 and 3 relates to questions I had where it came to filing the forms, and some advice given by USAC.
C. CORRESPONDENCE 4 relates to some additional info given by USAC. Please note that at this time, while it was clear that I had not previously, filed the forms, nothing was shared as per timeframes, or amounts filed that were higher or lower than previous filings.
D. Jumping ahead to February, as I had just received a very large invoice from USAC – no longer credits shown, hence – CORRESPONDENCE 5. It was then that I realized my mistake with a cut and paste operation from our database application in which I had assumed that the paste operation included filtered items that should have been pasted, but instead, ALL items were pasted. I then submitted the third revision, which was accurately done as per the queries we had in place within out billing system.

   Please note that there was never indication to me as per a downsized revision, while CORRESPONDENCE 6 was the reply to my inquiry about the higher invoice, instructing me that I could indeed file another revision.

E. With all of the above said, I then received CORRESPONENCE 7 on March 7th, which appeared to negate all of the conversations I had as per the above items, along with CORRESPONDENCE 8, which followed and stated "I am not sure where did you get an idea that you can downward revise your 2014 499A", when all along that was the entire subject and nature of all correspondences above to begin with.
F. Subsequently, I received the "USAC – April2016" invoice which then revealed an amount owing due to the error, and also the rejection of the filing of the revision due to the issue of a downward revision, and timing, while the 2015 revision was accepted as it was similarly revised, while 2014 was rejected due to a technicality.
G. I have also attached the current July 2016 USAC ("USAC - July invoice which indicates a large credit that is attributed to a prior USAC invoice which was quite large, although it was not explained how it got that way, nor was there a reason for the credit that was given.

With all of that said, we are indeed in a catch 22 situation. Delta Wave no longer supplies airtime services and is operating on a very slim, or no margin at this time, due to an industry slowdown and a variety of other circumstances, as well as some very large legitimate past due balances owed to creditors. I am in no position financially to come up with the excess amounts owing USAC due to the situation as outlined, and I trust that, given the circumstances the FCC will reconsider my case, as it is a bit unique and without an identical precedent, given the correspondences that were made between me and USAC at the time the filing revision was made.

I thank you for your re-consideration.

Sincerely,

Jean Thomas Clark
Owner/Manager
Delta Wave Communications, LLC

Tom Clark

From: Form499 <form499@usac.org>
Sent: Monday, November 30, 2015 8:57 AM
To: tom.clark@deltawavecomm.com
Subject: FW: Delta Wave Communications 2014 499A Filing - 823460

Importance: High

Tom,

The questions we have center around the inconsistent way your forms 499-A have been completed over the past few years.

Your 2013 FCC Form 499-A looks correct from our point of view; you are a satellite service provider and your form reflects that.

For the 2014 form, you show a large amount of revenue on line 309, which is where we expect cell phone service sold on a wholesale basis to other telecommunications providers who are direct contributers to USAC to be entered. Satellite service is never cell phone service on the Form 499-A, and wholesale service to other telecom providers who are direct contributors to USAC shouldn't be confused with service to your end users. You also show monthly cell phone charges on that form, but no satellite revenue.

Your 2015 form shows all of your revenue on line 415 as private service provider revenue, with again nothing as a satellite provider and no revenue at all on line 418, which is where equipment charges, etc. should be shown.

Please review your 2014 and 2015 forms and make whatever changes you need to make in order for the form to reflect more accurately the type of service you provide and to whom.

Regards,
USAC

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Thursday, November 19, 2015 12:35 PM
To: Aaron Banks
Cc: DWCMichelle; Scott J Calvert
Subject: Delta Wave Communications 2014 499A Filing

Aaron:

Good afternoon:

I am not aware of an issue pertaining to the 2014 filing from Delta Wave Communications, LLC. We had contracted Compliance Solutions to provide assistance, while at the time, I was led to believe that they resolved any outstanding issues. As we recently have terminated their services, I would like to speak to you directly in reference to that issue, as we have a refund due from USAC.

In reference to the correspondence below, can we set up a call today? Let's try for 1PM EST if possible.

If there is someone else within USAC who handles issues of this nature, please let me know who I need to contact. You may share this correspondence with that person.

Thank you.

Tom Clark
Owner/Manager

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Phone: 1-800-706-2515
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From: Aaron Banks [mailto:abanks@usac.org]
Sent: Tuesday, November 17, 2015 1:13 PM
To: Michelle Marcel <michelle.marcel@deltawavecomm.com>
Cc: Customer Support <bcd.customerservice@usac.org>; Vickie Chapman <vickie.chapman@deltawavecomm.com>
Subject: RE: Credit Balance Refund 823460 Delta Wave Communications, LLC

Your company's CBR was held due to an outstanding Form499 issue pertaining to your company's 2014 499A filing. Please contact USAC's Form499 department directly at form499@usac.org to resolve this issue. Once resolved, USAC will reprocess your company's CBR request form for distribution.

Aaron Banks
(202) 423-2613 (ph)
abanks@usac.org | www.usac.org

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Tom Clark

From: Form499 <form499@usac.org>
Sent: Tuesday, December 29, 2015 1:20 PM
To: Tom Clark
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Tom –

Before we approve your forms, you might want to take another look at them. You've gone from what we call de minimis (you'd owe less than $10,000 in USF to USAC per year) to owing us a lot of money. We are not averse to collecting money, but we are more interested in doing things correctly so as not to have to re-do them next month. I notice that you show 100% of your satellite revenue as interstate. It's possible – even likely, given the way satellite services are used – that a good portion of your revenue is international. Please review your split between interstate and international revenue, and remember that the other possible type of call is intrastate. In other words, interstate and international don't necessarily have to add up to 100% of the total in column A.

Your 2010 and 2011 FCC Forms 499-A might be helpful as a review for you, as would be the instructions to the FCC Form 499-A on our website, especially the lines on what the FCC calls LIRE. There is more information on international calls in the instructions on page 14. Please note that we are not suggesting you falsify data, but that given the way satellite services are generally used, it's unlikely that all of your revenue is what we consider to be interstate. For the purposes of the FCC Form 499-A, an international call is one that has at least one leg in a non-U.S. country or territory.

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form499@usac.org | www.usac.org
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From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Monday, December 28, 2015 3:12 PM
To: Form499; 'TRS'
Cc: 'Michelle Wolfe'; 'Scott J Calvert'; 'Vickie Chapman'
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

I may indeed have inadvertently skipped that step. I have just gone through the process for both years.

Thank you!

Tom Clark
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Morgan City, LA 70380
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Mobile: 1-985-397-1786
Google: 1-985-255-0255
E-Fax: 1-504-617-6393
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From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Monday, December 21, 2015 10:57 AM
To: 'Form499'
Cc: TRS
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Good morning:

I am finally able to log into the USAC site successfully.

Upon attempting to revise the 2014 filing to reflect the fact that all revenues were supposed to have been placed on line "satellite" revenues line 313, I am unable to revise. The "revise" link was active, and I was brought to the area that allows one to change contact information, but once that was saved, the link to revise the actual form to change the values is no longer highlighted.

All that I really need to do to correct it is to move the totals to that line item to correct it, subsequently resubmitting the corrected form.

Please advise.

Also – where it comes to the TRS fund, are we really subject to their fees, as I do not know of any other satellite reseller who is subject to that fee.

We have a refund coming, in any case, and I would like to pursue that, in any case. What do I need to do to receive that?

Thank you.

Tom Clark

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From: Form499 [mailto:form499@usac.org]
Sent: Monday, November 30, 2015 8:57 AM
To: tom.clark@deltawavecomm.com

Subject: FW: Delta Wave Communications 2014 499A Filing - 823460
Importance: High

Tom,

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Your 2015 form shows all of your revenue on line 415 as private service provider revenue, with again nothing as a satellite provider and no revenue at all on line 418, which is where equipment charges, etc. should be shown.

Please review your 2014 and 2015 forms and make whatever changes you need to make in order for the form to reflect more accurately the type of service you provide and to whom.

Regards,
USAC

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Thursday, November 19, 2015 12:35 PM
To: Aaron Banks
Cc: DWCMichelle; Scott J Calvert
Subject: Delta Wave Communications 2014 499A Filing

Aaron:

Good afternoon:

I am not aware of an issue pertaining to the 2014 filing from Delta Wave Communications, LLC. We had contracted Compliance Solutions to provide assistance, while at the time, I was led to believe that they resolved any outstanding issues. As we recently have terminated their services, I would like to speak to you directly in reference to that issue, as we have a refund due from USAC.

In reference to the correspondence below, can we set up a call today? Let's try for 1PM EST if possible.

If there is someone else within USAC who handles issues of this nature, please let me know who I need to contact. You may share this correspondence with that person.

Thank you.

Tom Clark
Owner/Manager
DELTAWAVE COMMUNICATIONS, LLC.
Delta Wave Communications, LLC
8001 Hwy 182 E.

Tom Clark

From: Form499 <form499@usac.org>
Sent: Tuesday, December 29, 2015 2:19 PM
To: Tom Clark
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Follow Up Flag: Follow up
Flag Status: Flagged

Yes, it does. I just went and got myself a primer on satellite calling, and there are actually more types of satellite calls than I thought.

Calls from an international location to another international location that transit the US (for example, if they go through a US based base station, but both ends of the call are outside of the US) go on line 412. USF is not paid on these calls.

Calls from an international location to another international location that do not transit the US (do not go through a US based base station) go on line 418.

All other calls go on line 417. Calls between two states are interstate, calls with one leg outside of the US are international. Calls within one state are intrastate, and while those appear in the total, they are not broken out into columns D and E.

I just got your other message – please use the information I give you above rather than any other of your forms; your interstate/international/total ratios are fairly suspect on most of your forms, and 2013 is no exception. I was referring only to the fact that you put your calls on the satellite service line rather than the distribution of calls by jurisdiction. If you have the call records you should be able to get a fairly accurate picture of how to separate them out by jurisdiction.

You don't have to worry about not getting your refund in January, because you filed new forms as we asked, those have been approved. It's more important now to get the distribution of calls and their split by jurisdiction down correctly. Also, in order to get Mark Lammert's name off your account, you'll need to change the name on your 499-A. It looks as though you did that, so it should update in our system quickly.

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(888) 641-8722 (ph)
form499@usac.org | www.usac.org
DL

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Tuesday, December 29, 2015 2:59 PM
To: Form499
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Thank you for the clarification. Does this also refer to calls made outside of the U.S in international waters?

Most of our traffic indeed originates or terminates out of the continental U.S., as indeed, satellite phones are generally used for that purpose.

Tom Clark
Delta Wave Communications, LLC

Tom Clark

From: Form499 <form499@usac.org>
Sent: Wednesday, December 30, 2015 10:52 AM
To: Tom Clark
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Tom –

For reasons related to how our systems work, I un-certified your 2014 FCC Form 499-A. Please modify the 2014 form (showing 2013 revenue) with a status of Incomplete. You can create a new 2015 form; there are no restrictions on that one. To create a new form, click on the "Revise" button.

USAC
(888) 641-8722 (ph)
form499@usac.org | www.usac.org
DL

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Wednesday, December 30, 2015 11:25 AM
To: Form499
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Thank you. I will now immerse myself in this project and hope to have revised forms submitted by at least Monday.

This time, I know what data to retrieve from the CDR database and how to query it. The revised filings will therefore be more accurate.
(While my former employee was handling the 499A's through 2013, I believe, I found some database queries that she had been using for previous filings).
(she left Detla Wave in April of 2014, and I am not certain as to who actually completed the 499A for 2013, but I will in any case re-submit.).

I do not know what data Compliance Solution went by for their filings and I am asking them for my money back, in any case.

Thank you very much for your patience as I get this all sorted out.

Regards,

Tom Clark
Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380
Phone: 1-800-706-2515
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---

From: Form499 [mailto:form499@usac.org]
Sent: Wednesday, December 30, 2015 9:32 AM
To: Tom Clark
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Tom –

Monthly fees should be included in total satellite revenue on line 416. Also, non-satellite service revenues (for example, charges for equipment) should go on line 418. As with line 412, line 418 is not included in the total used when assessing USF.

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DL

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Wednesday, December 30, 2015 9:34 AM
To: Form499
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Thank you. That changes everything. I will go back to all of the usage records, and filter out non-voice calls.

We have been using total revenues including data calls and monthly fees for the past several years, I suspect.
This will greatly reduce the total revenues, in any case. I indeed have a large project at hand now.

Regards,

Tom Clark
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---

From: Form499 [mailto:form499@usac.org]
Sent: Wednesday, December 30, 2015 8:18 AM
To: Tom Clark
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Just voice calls.

USAC
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form499@usac.org | www.usac.org
DL

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Wednesday, December 30, 2015 8:37 AM
To: Form499
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

Good morning:

I have another question.

Where the reference is made to “calls”, does that mean voice calls and IP data sessions? An IP data session is not necessarily a “call”, where one picks up a phone and dials a number.

Please advise.

Regards,

Tom Clark
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Your 2010 and 2011 FCC Forms 499-A might be helpful as a review for you, as would be the instructions to the FCC Form 499-A on our website, especially the lines on what the FCC calls LIRE. There is more information on international calls in the instructions on page 14. Please note that we are not suggesting you falsify data, but that given the way satellite services are generally used, it's unlikely that all of your revenue is what we consider to be interstate. For the purposes of the FCC Form 499-A, an international call is one that has at least one leg in a non-U.S. country or territory.

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Cc: 'Michelle Wolfe'; 'Scott J Calvert'; 'Vickie Chapman'
Subject: RE: Delta Wave Communications 2014 499A Filing - 823460

I may indeed have inadvertently skipped that step. I have just gone through the process for both years.

Thank you!

Tom Clark

From: Chang-Hua Chen <cchen@usac.org>
Sent: Friday, February 26, 2016 7:34 AM
To: Tom Clark
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Follow Up Flag: Follow up
Flag Status: Flagged

Tom:
Since we received your documentation around 10th of this month. USAC would not be able to adjusted the invoice for the February invoice cycle.
The invoices are scheduled to be adjusted next month. If approved by the USAC manager.
USAC understand our situation and is working on the resolution. Please allowed the time so the situation take its course and we can review at end of the March to see what is remaining balance at that time.

Let me know if you have more concern on this issue.

USAC
(888) 641-8722
Form499@usac.org | www.usac.org
CHC

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Friday, February 26, 2016 12:30 AM
To: Chang-Hua Chen
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Good evening:

I received a bill from USAC today. This is about $20k more than the last bill.

I am at a loss as to how USAC came up with the figures base on my past correspondences with you as per the correspondences below.

I am no longer a service provider of satellite airtime, as I have been winding that down over the last two months.

I really don't know what to do, as I have never handled that aspect of our operations where it comes to FCC filings, and have one other employee other than myself at this time, who is basically handling day to day bookkeeping as I am on the verge of either dissolving my company, or trying to make it by having assigned all of my airtime accounts elsewhere.

Where it comes to the balance owing, I really might need some help from your end as to how that was determined, as we never had that large of a balance due to USAC, and I am at the point of insolvency at this time.

Therefore, as this is not my expertise, and I have no other resources to make the determination, please share with me how you arrived at the figures you came up with, as the way it is presented seems to be a bit convoluted and arbitrary.

I was led to the belief that we were under the threshold to charge those fees to my customers in the past, and do not have funds to pay the fees that have been implemented to this point in time by USAC, and also did collect fees from my customers to recoup the fees that we are being invoiced for at this time. Perhaps I picked the wrong people to handle that for me.

Therefore, where it comes to that, I would happily invite USAC to audit my airtime billings to date, in order to properly ascertain whether or not we have filed our 499's correctly for the timeframe in which the balance owing was based upon.

I have all of that information at hand, and further scrutinization with you help would be greatly appreciated.

With that said, I will share with you my airtime billings for the last three months, which I believe should affect the balance due based on the invoice I just received.

Tom Clark

Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380
Phone: 1-800-706-2515
Office: 1-985-384-4100
Mobile: 1-985-397-1786
Google: 1-985-255-0255
E-Fax: 1-504-617-6393
www.deltawavecomm.com

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From: Chang-Hua Chen [mailto:cchen@usac.org]
Sent: Wednesday, February 10, 2016 12:57 PM
To: Tom Clark
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Please finish the cover letter as well

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Wednesday, February 10, 2016 1:15 PM
To: Chang-Hua Chen
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Good afternoon:

As per your instruction and recommendation, attached is the letter that you needed for me to get notarized.

Thank you.

Tom Clark

Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380
Phone: 1-800-706-2515
Office: 1-985-384-4100
Mobile: 1-985-397-1786
Google: 1-985-255-0255

Tom Clark

From: Chang-Hua Chen <cchen@usac.org>
Sent: Monday, February 29, 2016 8:53 AM
To: Tom Clark
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Follow Up Flag: Follow up
Flag Status: Flagged

It is open
You can still revised your form.
Why don't call me to discuss this a little, I think your understanding of the USAC billing is not quite sufficient at this point

Chang-Hua Chen
Senior Financial Analyst | Financial Operations
(202) 772-5221 (ph)
cchen@usac.org| www.usac.org

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Monday, February 29, 2016 9:53 AM
To: Chang-Hua Chen
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Chang:

Can you open up the 2015 499A for revision?

I would like to go through the exercise once more and this time not include monthly fees, as I am certain that I probably included that in the total revenues.
I am pretty sure we did not bill out anything close to that where it comes to Interstate and Intrastate phone calls, and filed in error.

I have all of the raw call detail records obtained by our service providers, as well as our billing database in which those are inserted, and would like to go through that again.

Thank you.

Tom Clark
Delta Wave Communications, LLC
8001 Hwy 182 E.
Morgan City, LA 70380
Phone: 1-800-706-2515
Office: 1-985-384-4100
Mobile: 1-985-397-1786
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From: Chang-Hua Chen [mailto:cchen@usac.org]
Sent: Monday, February 29, 2016 8:05 AM
To: Tom Clark
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Tom:
I was working on your account and looking back on the billing information.
I want to be sure that I am manager your expectation on this.

The majority of the amount is coming from your 2015 499A.
The revenues you have reported on that forms as contribution base is about 600K.

My original e-mail is only focus on your 499Q, which is only $256.75 per month on your invoices.
Once my manager approved your DM letter, you will get the total of $513.5
The amount you owe to USAC is going to be $85,465.23 (in March, you will get another 28488.41 charges from USAC)

From your e-mail, I think you might have different expectations from me, which it might not be the case.
You can give me a call and we can discuss this, However, I think it is important to let you what you are going to be look at on your March invoices.

Chang-Hua Chen
Senior Financial Analyst | Financial Operations
(202) 772-5221 (ph)
cchen@usac.org| www.usac.org

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Friday, February 26, 2016 12:30 AM
To: Chang-Hua Chen
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Good evening:

I received a bill from USAC today. This is about $20k more than the last bill.

I am at a loss as to how USAC came up with the figures base on my past correspondences with you as per the correspondences below.

I am no longer a service provider of satellite airtime, as I have been winding that down over the last two months.

I really don't know what to do, as I have never handled that aspect of our operations where it comes to FCC filings, and have one other employee other than myself at this time, who is basically handling day to day bookkeeping as I am on the verge of either dissolving my company, or trying to make it by having assigned all of my airtime accounts elsewhere.

Where it comes to the balance owing, I really might need some help from your end as to how that was determined, as we never had that large of a balance due to USAC, and I am at the point of insolvency at this time.

Therefore, as this is not my expertise, and I have no other resources to make the determination, please share with me how you arrived at the figures you came up with, as the way it is presented seems to be a bit convoluted and arbitrary.

I was led to the belief that we were under the threshold to charge those fees to my customers in the past, and do not have funds to pay the fees that have been implemented to this point in time by USAC, and also did collect fees from my customers to recoup the fees that we are being invoiced for at this time. Perhaps I picked the wrong people to handle that for me.

Therefore, where it comes to that, I would happily invite USAC to audit my airtime billings to date, in order to properly ascertain whether or not we have filed our 499's correctly for the timeframe in which the balance owing was based upon.

I have all of that information at hand, and further scrutinization with you help would be greatly appreciated.

With that said, I will share with you my airtime billings for the last three months, which I believe should affect the balance due based on the invoice I just received.

Tom Clark

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---

From: Chang-Hua Chen [mailto:cchen@usac.org]
Sent: Wednesday, February 10, 2016 12:57 PM
To: Tom Clark
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Please finish the cover letter as well

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Wednesday, February 10, 2016 1:15 PM
To: Chang-Hua Chen
Subject: RE: APPROVED Form 499-A - Filer ID 823460

Good afternoon:

As per your instruction and recommendation, attached is the letter that you needed for me to get notarized.

Thank you.

Tom Clark

Delta Wave Communications, LLC
8001 Hwy 182 E.

Tom Clark

From: Form499 <form499@usac.org>
Sent: Monday, March 07, 2016 12:26 PM
To: 'tom.clark@deltawavecomm.com'
Subject: 823460 April 2014 FCC Form 499-A Rejection

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jean Thomas Clark,

On 03/05/2016, the Universal Service Administrative Company (USAC) received a 2014 FCC Form 499-A for the Delta Delta Wave Communications, LLC, Filer ID 823460. This email provides an update of the submitted form as well as the next steps.

Federal Communications Commission (FCC) regulations require telecommunications carriers to file an FCC Form 499-A annually. The rules also require USAC to bill contributors based on reported revenues in the filings.[1] USAC is not authorized to accept an FCC Form 499-A submitted after the one year revision deadline has closed, nor is USAC permitted to waive the one year revision deadline established by the FCC.[2]

The 2014 FCC Form 499-A was due 04/01/2014, with revisions due by 03/31/2015 (one year later). Because USAC received the 2014 FCC Form 499-A submitted by Delta Wave Communications, LLC on 03/05/2016, outside of the one year revision window, the form was late and USAC officially rejects this filing.

USAC will note that this form was received and the company has now fulfilled its obligation to submit the 2014 FCC Form 499-A. Late fees, if any, will no longer be applied.

If you have questions or concerns regarding this letter, please contact USAC Customer Service at (888) 641-8722.

Sincerely,

USAC

[1] See 47 C.F.R. § 54.706.
[2] *See Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45 *et al.*, Order, 20 FCC Rcd 1012, 1013, para. 2 (Wireline Comp. Bur. 2004), *pet. for recon. and applications for review pending*.

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[1] See 47 C.F.R. § 54.706.
[2] *See Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45 *et al.*, Order, 20 FCC Rcd 1012, 1013, para. 2 (Wireline Comp. Bur. 2004), *pet. for recon. and applications for review pending*.

Tom Clark

From: Chang-Hua Chen <cchen@usac.org>
Sent: Monday, March 07, 2016 1:44 PM
To: Tom Clark; Form499
Subject: RE: 823460 April 2014 FCC Form 499-A Rejection

Follow Up Flag: Follow up
Flag Status: Flagged

Tom:
I am not sure where did you get an idea that you can downward revise your 2014 499A.
The period is closed and no downward revision can be made at this time.
If you like to have the 499A instructions quote on this, I will be more than happy to supply to you.

The issue is on your 2015 499A, you have revised already. It would go into the billing this month and we will see where do we stand on that.

Chang-Hua Chen
Senior Financial Analyst | Financial Operations
(202) 772-5221 (ph)
cchen@usac.org| www.usac.org

From: Tom Clark [mailto:tom.clark@deltawavecomm.com]
Sent: Monday, March 07, 2016 2:23 PM
To: Form499
Cc: Chang-Hua Chen
Subject: RE: 823460 April 2014 FCC Form 499-A Rejection

Good afternoon:

In reference to the attached correspondence, I was able to revise the 2014 filing for 2013 due to a variety of circumstances which
I already shared which led to us being able to submit the revisions. Main reason was that Compliance Solutions had us down as a wireline carrier, and also have all of our figures wrong. I then corrected them, but in hasted, also submitted it wrong. I have never done these before, and by bookkeeper is no longer employed, and I also do not use Compliance Solutions any longer. I then corrected them upon the opportunity to again revise them using reporting features that I just found to exist within our airtime billing program. Hence – the submitted revisions.

This entire process is quite confusing due to this recent correspondence which is contrary to the prior correspondence which apparently waived that timeframe.

As a result, I am receiving very large bills due to my own incorrect revisions that I made in January of this year, which I have just recently corrected.

As it is, I am no longer an SP, and will be submitting the 2016 filing for last year's call records, which will pretty much illustrate why Delta Wave is practically insolvent at this time.

Regards,

USAC
Universal Service Administrative Company
Helping Keep Americans Connected

Filer 499 ID: 823460
Invoice Number: UBDI0000837452
Statement Date: 04/22/2016
New Balance: $ 32,048.00
Payment Due Date: 05/13/2016
Amount Enclosed:

Delta Wave Communications, LLC
Attention: Jean Thomas Clark
8001 Hwy 182,
E. Morgan City, LA, 70380

Mail Payment To:

Universal Service Administrative Company
PO Box 105056
Atlanta, GA 30348-5056

Address Change? See reverse side for instructions.

☐ If paying for multiple Filer 499 IDs, please check here and complete form on back.

Send top portion of statement with payment in enclosed envelope. Keep bottom portion for your records.

STATEMENT OF ACCOUNT

Date	Description	Charges	Credits
	Previous Balance		**($10,180.93)**
04/15/2016	Support Mechanism Adjustment - 2014 499A	$42,228.93	
	TOTAL OUTSTANDING USAC BALANCE AS OF 4/15/2016	**$32,048.00**	

Transactions occurring after 04/15/2016 are not reflected on this statement.

Under the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) (DCIA), your BALANCE DUE is a demand that you pay a DEBT owed to the United States on or before the DUE DATE. If the DUE DATE is non-business day, payment must be received the business day before that date. Any portion of the DEBT unpaid after the DUE DATE is a DELINQUENT DEBT, which may result in sanctions, including interest, penalties, and administrative charges. Failure to file a Telecommunications Worksheet may result in a late filing fee DEBT added to your BALANCE DUE. **Read the reverse of this Invoice for important information about those sanctions and your legal rights and obligations.**

Statement Date	Invoice Number	Filer 499 ID	Balance Due USAC
04/22/2016	UBDI0000837452	823460	$ 32,048.00

FORM 499Q DATA

This month's support mechanism charges were calculated using an FCC contribution factor of 0.179000 and the following revenue data:

February 2016 499Q

120b	$0.00
120c	$0.00

If the figures do not correspond with your records, please contact USAC Customer Service at 888-641-8722

PAYMENT INFORMATION

All payments received (regardless of specific instructions) will be applied to your outstanding USAC balance in historical order as outlined in FCC order 07-150.

Please remit ACH payments in a CCD+ format to ABA #071000039, Account #5590045653.

All Wire Transfers should be sent to ABA #026009593, DDA (or Account) #5590045653.

Payments must include your Company Name, Filer 499 ID, and Invoice Number to ensure timely posting.

Filer 499 ID: 823442
Invoice Number: UBDI0000854456
Statement Date: 07/22/2016

Interest & DCIA Penalties

A DELINQUENT DEBT incurs interest at the annual rate equal to the U.S. prime rate as of the DATE OF DELINQUENCY plus 3.5 percent from that DATE until the DEBT is paid in full. Any portion of the DEBT unpaid more than 90 days, incurs a penalty of 6 percent a year from the DATE OF DELINQUENCY. The reverse of the Invoice provides more information on interest, penalties, and administrative charges.

Payments & Credits Applied

Description - Debt Due Date	Principal	Payment/ Credit Date	Interest Rate	Days Late	Additional Interest (B*(D/365)*E)	Accrued Interest	Total Interest (F+G)	Payment & Credits Applied	Interest Outstanding	Principal Outstanding
A	B	C	D	E	F	G	H	I	J	K
UBDI0000849424 - 7/15/2016	$65,589.72	7/12/16	7.00%	0	$0.00	$0.00	$0.00	($65,589.72)	$0.00	$0.00
UBDI0000854456 - 8/15/2016	$60,486.89	7/15/16	0.00%	0	$0.00	$0.00	$0.00	($20,965.06)	$0.00	$39,521.83
Outstanding Items										
UBDI0000854456 - 8/15/2016	$39,521.83		0.00%	0	$0.00	$0.00	$0.00		$0.00	$39,521.83
					$0.00			($86,554.78)	$0.00	$39,521.83

Principal Outstanding	**$39,521.83**
Interest & Penalties	**$0.00**
Total Amount Due	**$39,521.83**

Filer 499 ID:	823460
Invoice Number:	UBDI0000854459
Statement Date:	07/22/2016
New Balance:	$ 116,893.08
Payment Due Date:	08/15/2016
Amount Enclosed:	

Delta Wave Communications, LLC
Attention: Jean Thomas Clark
8001 Hwy 182,
E. Morgan City, LA, 70380

Mail Payment To:

Universal Service Administrative Company
PO Box 105056
Atlanta, GA 30348-5056

Address Change? See reverse side for instructions.

☐ If paying for multiple Filer 499 IDs, please check here and complete form on back.

Send top portion of statement with payment in enclosed envelope. Keep bottom portion for your records.

STATEMENT OF ACCOUNT

Date	Description	Charges	Credits
	Previous Balance	**$116,708.69**	
07/15/2016	Interest & DCIA Penalties	$184.39	
	TOTAL OUTSTANDING USAC BALANCE AS OF 7/15/2016	**$116,893.08**	

Transactions occurring after 07/15/2016 are not reflected on this statement.

Under the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) (DCIA), your BALANCE DUE is a demand that you pay a DEBT owed to the United States on or before the DUE DATE. If the DUE DATE is non-business day, payment must be received the business day before that date. Any portion of the DEBT unpaid after the DUE DATE is a DELINQUENT DEBT, which may result in sanctions, including interest, penalties, and administrative charges. Failure to file a Telecommunications Worksheet may result in a late filing fee DEBT added to your BALANCE DUE. **Read the reverse of this Invoice for important information about those sanctions and your legal rights and obligations.**

Statement Date	Invoice Number	Filer 499 ID	Balance Due USAC
07/22/2016	UBDI0000854459	823460	$ 116,893.08

FORM 499Q DATA

This month's support mechanism charges were calculated using an FCC contribution factor of 0.179000 and the following revenue data:

May 2016 499Q

120b	$0.00
120c	$0.00

If the figures do not correspond with your records, please contact USAC Customer Service at 888-641-8722

PAYMENT INFORMATION

All payments received (regardless of specific instructions) will be applied to your outstanding USAC balance in historical order as outlined in FCC order 07-150.

Please remit ACH payments in a CCD+ format to ABA #071000039, Account #5590045653.

All Wire Transfers should be sent to ABA #026009593, DDA (or Account) #5590045653.

Payments must include your Company Name, Filer 499 ID, and Invoice Number to ensure timely posting.

Filer 499 ID: 823460
Invoice Number: UBDI0000854459
Statement Date: 07/22/2016

DETAILED SUMMARY OF CHARGES AND CREDITS

SUPPORT MECHANISM CHARGES

Your monthly support mechanism charges were calculated according to the following formulas:

Quarterly Contribution Base

The quarterly contribution base is a portion of your quarterly revenue that USAC considers when determining your quarterly Universal Service Fund contribution. The quarterly contribution base equals your interstate plus international revenue. Your current quarterly contribution base equals:

$ 0.00	+	$ 0.00	=	$ 0.00
Interstate Revenue (Line 120B)		International Revenue (Line 120C)		**Quarterly Contribution Base**

Adjusted Quarterly Contribution

USAC adjusts carriers' quarterly contribution bases by the amount that they are expected to contribute in that quarter. The calculation for an adjusted contribution amount is as follows, and takes into account the circularity deduction:

$ 0.00	*	0.179000	=	
Quarterly Contribution Base		FCC Contribution Factor		**Unadjusted Contribution**

	-	(		*		)	=	
Unadjusted Contribution			Unadjusted Contribution		0.153244 FCC Circularity Factor			**Adjusted Contribution**

De Minimis Eligibility

Carriers whose expected annual contribution is less than $10,000 are considered de minimis and are exempted from paying into the Universal Service Fund. To be exempt, a carrier must meet the de minimis criteria on both the current 499A and 499Q forms.

You meet the de minimis criteria on both the 499A and the current 499Q. Therefore, you are eligible for the de minimis exemption during the current quarter.

Your eligibility was calculated using the contribution factors established by the FCC for determining de minimis status on each form:

499A:

	*	0.158000	=	
499A Contribution Base		FCC Estimated Annual Factor		**Estimated 499A Contribution**

499Q:

	*	4	=	
Adjusted Contribution				**Estimated 499Q Contribution**

For more information on the FCC estimated annual factor, please see the Form 499A Instructions. For more information on the current FCC contribution factor, visit the FCC website at www.fcc.gov.

Support Mechanism Charges

Your total monthly contribution is determined by multiplying one-third of your adjusted quarterly contribution base by the current quarter's FCC contribution factor.

1/3	*		=	
		Adjusted Quarterly Contribution		**Total Monthly Contribution**

Filer 499 ID: 823460
Invoice Number: UBDI0000854459
Statement Date: 07/22/2016

Interest & DCIA Penalties

A DELINQUENT DEBT incurs interest at the annual rate equal to the U.S. prime rate as of the DATE OF DELINQUENCY plus 3.5 percent from that DATE until the DEBT is paid in full. Any portion of the DEBT unpaid more than 90 days, incurs a penalty of 6 percent a year from the DATE OF DELINQUENCY. The reverse of the Invoice provides more information on interest, penalties, and administrative charges.

Description - Debt Due Date	Principal	Payment/ Credit Date	Interest Rate	Days Late	Additional Interest (B*(D/365)*E)	Accrued Interest	Total Interest (F+G)	Payment & Credits Applied	Interest Outstanding	Principal Outstanding
A	B	C	D	E	F	G	H	I	J	K
Outstanding Items										
UBDI0000837452 - 5/13/2016	$32,048.00		7.00%	30	$184.39	$202.82	$387.21		$387.21	$32,048.00
UBDI0000843438 - 6/15/2016	$42,228.93		7.00%	0	$0.00	$0.00	$0.00		$0.00	$42,228.93
UBDI0000849427 - 7/15/2016	$42,228.94		7.00%	0	$0.00	$0.00	$0.00		$0.00	$42,228.94
					$184.39			$0.00	$387.21	$116,505.87

Principal Outstanding	**$116,505.87**
Interest & Penalties	**$387.21**
Total Amount Due	**$116,893.08**