

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected

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FCC Mailroom

In the Matter of)

ETMC Regional Healthcare System)

WC Docket No. 02-60

Request for Review of Decisions of the)
Universal Service Administrative Company)

To: Wireline Competition Bureau

DOCKET FILE COPY ORIGINAL

REQUEST FOR REVIEW AND RULE WAIVER

Pursuant to §§ 54.719(c) and 54.720(a) of the Commission's Rules ("Rules"), ETMC Regional Healthcare System ("ETMC") hereby requests that the Commission review and reverse the decision of the Universal Service Administrative Company ("USAC") below, waive § 54.605 of the Rules, and grant funding to ETMC as specified herein. In support thereof, the following is respectfully submitted:

LOCATIONS

HCP Number	HCP Name	FRN
17163	ETMC 1st Physicians-Frankston	1687308
17300	ETMC - Trinity	1692182
17351	ETMC - 1st Physicians-Pittsburg	1687307
17877	ETMC Mineola Rehab	1687306
17877	ETMC Mineola Rehab	1690330
18093	ETMC 1st Physicians-Hideaway	1690244
18113	ETMC 1st Physicians-Canton	1687309
18540	ETMC 1st Physicians-Mineola	1687310
25564	ETMC 1st Physicians (Chandler)	1690038

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FACTS

Located in Tyler, Texas, ETMC is a Healthcare System that owns 9 hospitals and 40 clinics. ETMC has been serving their communities since the 1970's and is dedicated to providing patients with quality, personalized medical care in east Texas.

In 2008, ETMC engaged a consulting firm, USF Healthcare Consulting, Inc. ("UHC"), to assist it in obtaining Universal Service support through the Telecommunications Program ("Telecom Program") for rural health care providers ("HCPs"). ETMC authorized UHC to prepare the FCC Forms 465 ("Form 465") and the FCC Forms 466 ("Form 466") necessary to obtain Telecom Program funding and to submit them electronically to USAC's Rural Health Care Division ("RHCD").

UHC helped ETMC obtain funding for switched Ethernet services to connect its rural locations to the main hospital in Tyler, Texas.

As the Commission is aware, participants in the Telecom Program have found it difficult to determine urban rates as required by § 54.605 of the Rules.¹ As set forth in the Declaration of Geoff W. Boggs, UHC's Chief Executive Officer, UHC found it difficult to obtain tariffed or publicly available rates for high-speed Ethernet packet-based services that are offered in urban areas (cities with populations of 50,000 or more).² Consequently, UHC followed the practice of obtaining urban rates from urban service providers.³ To document the urban rate, UHC asked the provider to supply a letter on its letterhead that states the rate that is charged in an urban area in

¹ See, e.g., Comments of Alaska Communications, GN Docket No. 16-46, at 12-13 (May 24, 2017) ("Alaska Communications Comments").

² See Exhibit 1 at 2 (¶ 7).

³ See *id.* (¶ 8).

in the state.⁴

In the case of ETMC, UHC relied on two letters from Scott Madison, the managing member of Network Services Solutions (“NSS”). In the first, Mr. Madison represented that “[t]he Urban rate for a 50 Meg and a 100 Meg Ethernet connection in Dallas, Tx. is \$138.00 per channel termination.” In a more recent letter dated September 21, 2016, Mr. Madison stated that the cost for a 100 Meg Ethernet connection is \$195. These rate is based upon a 36-month contract.”⁵ UHC calculated the taxes that would be applied to the \$138.00 and \$195 urban rate in Texas, and prepared and submitted a Form 466 for each ETMC HCP.⁶

HCP	FRN	Service	Bandwidth	Urban Rate
17163 ETMC 1st Physicians Frankston	1687308	Ethernet	10 Mbps	\$138.00
17300 ETMC - Trinity	1692182	Ethernet	45 Mbps	\$138.00
17351 ETMC - 1st Physicians-Pittsburg	1687307	Ethernet	50 Mbps	\$138.00
17877 ETMC Mineola Rehab	1687306	Ethernet	10 Mbps	\$138.00
17877 ETMC Mineola Rehab	1690330	Ethernet	100 Mbps	\$195.00
18093 ETMC 1st Physicians - Hideaway	1690244	Ethernet	100 Mbps	\$195.00
18113 ETMC 1st Physicians-Canton	1687309	Ethernet	10 Mbps	\$138.00
18540 ETMC 1st Physicians-Mineola (Hwy 37)	1687310	Ethernet	50 Mbps	\$138.00

⁴ See *id.*

⁵ *Id.* (¶ 9).

⁶ See *id.* at 6 (¶ 6), 2 (Table 2).

25564-ETMC-1st Physicians-Candler	1690038	Ethernet	10 Mbps	\$195.00
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On March 29, 2017, the RHCD requested that ETMC explain how it derived the \$138 and \$195.00 urban rates to provide urban rate documentation.⁷ In response, UHC provided the RHCD with documents showing that BellSouth Telecommunications, LLC offered to provide these switched Ethernet services throughout Texas at monthly charge of \$195.00 under a three-year contract.⁸ Thereafter, UHC repeatedly asked if the RHCD needed additional information or if it could speak with the RHCD staffer who was reviewing the \$195.00 urban rate.⁹ UHC expected that it would be contacted if the RHCD had any questions with regard to the urban rate, and that it would be afforded the opportunity to address any such questions before the RHCD would render its funding decisions.¹⁰ However, UHC was given no such opportunity.¹¹

On May 11, 2017, UHC sent another email to change the urban rate to \$323 for Ethernet circuits up to 100 Meg. We submitted an urban rate letter from Suddenlink, the ETMC Vendor.

On June 2, 2017, the RHCD notified ETMC that USAC was “unable to provide support” to ETMC, specifically because it had not “demonstrated that the urban rate provided for the requested service is ‘no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a *functionally similar* service’ in any city with a population of 50,000 or more in that state.”¹² The RHCD did not explain why ETMC’s submissions were insufficient

⁷ See *id.* at 3 (¶¶ 11, 12).

⁸ See *id.* (¶ 13).

⁹ See *id.* at 4-5 (¶¶ 14, 15, 17-19).

¹⁰ See *id.* at 5 (¶ 21).

¹¹ See *id.*

¹² *Id.* (¶ 22).

or why it did not grant ETMC's requests for the opportunity to address the urban rate issue.

ETMC Regional Healthcare System prides itself in providing comprehensive Healthcare to Rural East Texas communities. In order for us to reach this goal, we depend on fast and reliable network connectivity between our clinic locations and central data center in Tyler. Our success has been accomplished by our ability to maintain a competitive edge through programs such as your USF. Based on the rural locations we serve, it becomes cost prohibitive if we don't have help from your program.

WAIVER STANDARD

ETMC seeks a waiver of § 54.603 of the Rules to permit it to receive the appropriate level of USF support for the Funding Year 2016. The Commission has the discretion to grant the requested waiver under § 1.3 of the Rules, which provides:

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act ["APA"] and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.¹³

Generally speaking, the Commission may exercise its discretion under the APA and § 1.3 of the Rules to suspend or waive a Rule for good cause "only if special circumstances warrant a deviation from the general and such deviation will serve the public interest." *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Of course, the Commission must grant waivers pursuant to an "appropriate general standard." *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). The Wireline Competition Bureau ("WTB") recently set forth the general standard that is applied to requests for waivers of §§ 54.600 – 54.625 of the Rules, which govern the Telecom Program:

¹³ 47 C.F.R. § 1.3.

The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.¹⁴

ARGUMENT

In the words of one participant in the Telecom Program, the rules governing the program (“Telecom Rules”) “written two decades ago for a world of tariffed low-bandwidth, circuit-switched services are increasingly unworkable.”¹⁵ In 2012, the Commission promised to address potential reforms to the Telecom Program “at a future date.”¹⁶ In the meantime, it has allowed its woefully outdated Telecom Rules to remain in effect.¹⁷ Section 54.605 of the Telecom Rules is one such rule.

Adopted in 1997, § 54.605 of the Telecom Rules has remained virtually unchanged.¹⁸ The rule provides that the “urban rate” that an HCP should pay is “a rate no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a functionally similar service in any city with a population of 50,000 or more in that state, calculated as if it were provided between two points within the city.” Although “[d]etermining the urban rate” is the heading of § 54.605, the rule does address exactly how an HCP should go about determining the “highest tariffed or publicly-available rate charged” for a similar service in an urban area.

The Commission assumed in 1997 that such the urban rate would be “tariffed or publicly

¹⁴ *Rural Health Care Universal Service Support Mechanism*, 2017 WL 735668, at *2 (WTB Feb. 10, 2017). (footnotes omitted) (“NSS Waiver Decision”).

¹⁵ Alaska Communications Comments at 12.

¹⁶ *Rural Health Care Support Mechanism*, 27 FCC Rcd 16678, 16751 n.433 (2012)

¹⁷ See *id.* at 16815 (¶ 344).

¹⁸ *Compare Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 9348-49 (1997) with 47 C.F.R. § 54.605 (2017).

available” and thus readily accessible. That assumption may have been well founded in 1997, but not so today. Now, HCPs use high-bandwidth services, like video and teleconferencing, which are provided by lightly-regulated competitive carriers over high-speed Ethernet packet-based networks. Those services are provided at competitive, market-driven rates, which often are neither tariffed nor publicly-available.¹⁹ USAC was undoubtedly aware that HCPs were experiencing difficulty in ascertaining the urban rates for broadband Ethernet-based services.

The difficulties UHC experienced in obtaining urban rates for Ethernet services led it to obtain the urban rates for such services from urban service providers.²⁰ UHC’s practice would be to obtain a letter on a service provider’s letterhead that would state the rate that is charged in an urban area in the state for an Ethernet service similar to that required by the HCP. UHC would provide USAC with a copy of the service provider’s letter to document the urban rate. The provision of such a letter is an approved means of documenting an urban rate.²¹

In this case, UHC obtained letters on NSS’s letterhead that represented that the urban rate for 10-100 Mbps Ethernet service in Dallas, Tx. was \$138.00 and \$195.00 per channel termination. The Commission subsequently found that NSS’s determinations of urban rates apparently were not calculated in the manner required by § 54.605 of the Telecom Rules.²² Accordingly, when the RHCD questioned the validity of the urban rate that NSS supplied to ETMC, UHC was forced to obtain documentation from another urban service provider to confirm that NSS had correctly determined that \$195.00 was the urban rate for 10 Mbps -100

¹⁹ See Exhibit 1 at 2 (¶ 7).

²⁰ See *id.* at 2 (¶ 8).

²¹ See Form 466 Instructions, at 8 (July 2014) (urban rate documentation “may include tariff pages, contracts, a letter on company letterhead from the urban service provider, rate pricing information printed from the urban service provider’s website, or similar documentation”).

²² See *Network Services Solutions, LLC*, 31 FCC Rcd 12238, 12275 (¶ 107) (2016).

Mbps Ethernet service in Texas.²³ UHC obtained such documentation and submitted it to the RHCD in timely fashion.²⁴

During the 65-day period between March 29, 2017, when ETMC responded to the RHCD's inquiry, and June 2, 2017, when the RHCD rendered its funding decision, the RHCD did not: (1) advise UHC that its submission did not demonstrate its urban rate was no higher than the highest rate charged in Texas for 10 Mbps -100 Mbps Ethernet service; (2) respond to UHC's repeated requests for feedback; or (3) give UHC an opportunity to correct ETMC's response by specifying that the urban rates for the AT&T Ethernet service should be \$195 plus the CIR or the second urban rate, from Suddenlink, we provided - \$323 (*Suddenlink just notified us that their urban rate increased to \$500 for speeds up to 100 Meg*)

The RHCD simply and inexplicably denied funding to ETMC.

Under the special circumstances of this case, the strict enforcement of § 54.605 would be inequitable, inconsistent with the policies embodied in § 254(h)(1)(A) of the Act, and ultimately inconsistent with the public interest. With respect to the equities, the Commission should note the following facts.

- It is difficult for HCPs to determine the urban rates for Ethernet services in accordance with the outdated requirements of § 54.605.
- ETMC complied with the Commission's requirement that it submit "missing or relevant support documentation" within 14 days of the RHCD's request for information.²⁵
- UHC relied on NSS's \$195.00 urban rate in good faith, and that reliance led it to

²³ See Exhibit 1 at 3-4 (¶ 13).

²⁴ See *id.*

²⁵ *Rural Health Care Support Mechanism*, 30 FCC Rcd 230, 231 (¶ 3) (WCB 2015).

incorrectly identify AT&T's Ethernet basic port charge of \$195.00 as the urban rate in its initial response to the RHCD's inquiry.²⁶

- UHC reasonably expected that the RHCD would give it the opportunity to correct any errors in its initial submission.²⁷
- The RHCD ignored UHC's repeated requests to be informed of any problem with its proposed urban rate, and to be given the opportunity to address any such problem.
- UHC could have corrected its error in timely fashion had the RHCD clearly informed UHC that the urban rate had to include one of AT&T's "committed information rates" ("CIRs") as well as its basic port charge.²⁸
- ETMC should be able to use the AT&T urban rate that should include AT&T's port charge and a CIR or the Suddenlink urban rate sent May 11, 2017.
- ETMC respectfully submits that RHCD abused its discretion when it refused to allow UHC to correct its mistaken reliance on NSS. The RHCD's refusal to grant equitable relief to ETMC makes it inequitable for the Commission to strictly enforce § 54.605 in this case. The Commission should grant ETMC a limited waiver of § 54.605 to permit it to receive funding for the Fiscal Year 2016. Such action would be consistent with the relief that the Commission has afforded other HCPs whose reliance on NSS led USAC to deny their funding requests. *See NSS Waiver Decision*, 2017 WL 735668, at *2-3 (¶¶ 6-8).

Grant of the requested waiver would comport with the policy that Congress codified when it authorized the Commission to establish the Telecom Program. Congress instructed the

²⁶ See Exhibit 1 at 3-4 (¶ 13), Attachment 1.

²⁷ See *id.* at 5 (¶ 21).

²⁸ See *id.* at 5-6 (¶¶ 23, 24), Attachment 3.

Commission to base policies for the preservation and advancement of universal service in part on the principle that HCPs “should have access to advance telecommunications services as described in [§ 254(h) of the Act].”²⁹ Section 254(h)(1)(A) of the Act provides:

A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services in a State, including instruction relating to such services, to any public or nonprofit [HCP] that serves persons who reside in rural areas in that State at rates that are reasonably comparable to rates charged for similar services in urban areas in that State. A telecommunications carrier providing service under this paragraph shall be entitled to have an amount equal to the difference, if any, between the rates for services provided to [HCPs] for rural areas in a State and the rates for similar services provided to other customers in comparable rural areas in that State treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service.³⁰

Congress codified the policy that HCPs be afforded access to advanced telecommunications services, such as Ethernet-based broadband services, at rates that are reasonably comparable to urban rates for similar services. That Congressional policy must outweigh the interests of “efficiency and effectiveness” that are served by the 14-day deadline for submitting urban rate documentation to the RHCD.³¹ And that policy would clearly be served if the Commission permits ETMC to submit a Form 466 that will allow it to receive Ethernet services at rates that are in fact reasonably comparable to the rates charged by Suddenlink for similar Ethernet services in cities in Texas. The Commission should reverse the RHCD and grant the rule waiver that is necessary to allow ETMC to submit such a Form 466 to the RHCD *nunc pro tunc* as of March 29, 2017.

REQUEST FOR RELIEF

Attached hereto as Exhibit 2 is the Form 466s for the ten ETMC HCPs that lists a rural

²⁹ 47 U.S.C. § 254(b)(6).

³⁰ 47 U.S.C. § 254(h)(1)(A).

³¹ *Rural Health Care Support Mechanism*, 30 FCC Rcd at 231 (¶ 3).

rate and urban rate listed below for each HCP/FRN.


HCP	FRN	Service	Bandwidth	Rural Rate	Urban Rate
17163 ETMC 1st Physicians Frankston	1687308	Ethernet	10 Mbps	\$800	*\$500
17300 ETMC - Trinity	1692182	Ethernet	45 Mbps	\$2,578.56	*\$500
17351 ETMC - 1st Physicians-Pittsburg	1687307	Ethernet	50 Mbps	\$1,500	*\$500
17877 ETMC Mineola Rehab	1687306	Ethernet	10 Mbps	\$700	*\$500
17877 ETMC Mineola Rehab	1690330	Ethernet	100 Mbps	\$1,500	*\$500
18093 ETMC 1st Physicians -Hideaway	1690244	Ethernet	100 Mbps	\$700	*\$500
18113 ETMC 1st Physicians-Canton	1687309	Ethernet	10 Mbps	\$2,500	*\$500
18540 ETMC 1st Physicians-Mineola (Hwy 37)	1687310	Ethernet	50 Mbps	\$1,500	*\$500
25564-ETMC-1st Physicians-Candler	1690038	Ethernet	10 Mbps	\$750	*\$500

*(Suddenlink just notified us that their urban rate increased to \$500 for speeds up to 100 Meg)

ETMC respectfully requests that the Commission; (1) waive § 54.605 of the Telecom Rules to the limited extent of allowing ETMC to submit the Form 466 that is attached as Exhibit 2 to USAC; and (2) direct USAC to process the Form 466 as if it had been submitted on March 29, 2017 in response to the RHCD's request for information.

Respectfully submitted,

ETMC Regional Healthcare System

By: 
 [Name] Paula Anthony
 [Title] VP + CIO
 [Address] 1000 S. Beckham St. Tyler, TX
 [Telephone Number] 903.521.8040 75701

[Date] 8/1/17

EXHIBIT 1

DECLARATION

I, Geoff W. Boggs, do hereby declare as follows:

1. I am the Chief Executive Officer of USF Healthcare Consulting, Inc. ("UHC").
2. UHC is a Kentucky based corporation that assists nonprofit Healthcare facilities with their Universal Service Fund applications.
3. ETMC Regional Healthcare System ("ETMC") is a not-for-profit Healthcare system that consists of 11 Hospitals and 40 Clinics serving communities in rural eastern Texas.
4. UHC was retained to assist ETMC in obtaining Universal Service support through the Telecommunications Program ("Telecom Program") for rural health care providers ("HCPs"). ETMC authorized UHC to prepare the FCC Forms 465 ("Form 465s") and the FCC Forms 466 ("Form 466s") necessary to obtain Telecom Program funding and to submit them electronically to the Rural Health Care Division ("RHCD") of the Universal Service Administrative Company ("USAC").
5. I am preparing this declaration to support the appeal and request for waiver that ETMC plans to file with respect to the RHCD's decisions not to approve the funding request numbers ("FRNs") identified in Table 1 below:

TABLE 1

Fund Year	HCP Number	HCP Name	FRN
2016	17163	ETMC 1st Physicians-Frankston	1687308
2016	17300	ETMC - Trinity	1692182
2016	17351	ETMC - 1st Physicians-Pittsburg	1687307
2016	17877	ETMC Mineola Rehab	1687306
2016	17877	ETMC Mineola Rehab	1690330
2016	18093	ETMC 1st Physicians-Hideaway	1690244
2016	18113	ETMC 1st Physicians-Canton	1687309
2016	18540	ETMC 1st Physicians-Mineola	1687310
2016	25564	ETMC 1st Physicians (Chandler)	1690038

6. UHC prepared and submitted the Form 465s and Form 466s associated with the FRNs identified above. I was listed as the contact person at Line 16 of the Form 465s and I electronically signed and certified the Form 466s. The Form 466s that were submitted electronically to USAC between September and November 2016 included the information set forth in Table 2.

TABLE 2

HGP	FRN	Service	Bandwidth	Rural Rate	Urban Rate
17163 ETMC 1st Physicians Frankston	1687308	Ethernet	10 Mbps	\$800	\$138
17300 ETMC - Trinity	1692182	Ethernet	45 Mbps	\$2,578.56 + Tax	\$276 (\$138 X 2)+Tax
17351 ETMC - 1st Physicians-Pittsburg	1687307	Ethernet	50 Mbps	\$1,500	\$138
17877 ETMC Mineola Rehab	1687306	Ethernet	10 Mbps	\$700	\$138
17877 ETMC Mineola Rehab	1690330	Ethernet	100 Mbps	\$1,500	\$195
18093 ETMC 1st Physicians - Hideaway	1690244	Ethernet	100 Mbps	\$700	\$195
18113 ETMC 1st Physicians-Canton	1687309	Ethernet	10 Mbps	\$2,500	\$138
18540 ETMC 1st Physicians-Mineola (Hwy 37)	1687310	Ethernet	50 Mbps	\$1,500	\$138
25564-ETMC-1st Physicians-Candler	1690038	Ethernet	10 Mbps	\$750	\$195

7. UHC found it difficult to obtain tariffed or publicly available rates for high-speed Ethernet packet-based services that are offered in urban areas (cities with populations of 50,000 or more). Typically, such services are provided by lightly-regulated competitive carriers that neither publish tariffs nor make their urban rates available to the public.

8. Because of the difficulty of obtaining publicly-available urban rates for Ethernet services, UHC followed the practice of obtaining urban rates from urban service providers. To document the urban rate, UHC asked the provider to supply a letter on its letterhead that states the rate that is charged in an urban area in the state for an Ethernet service similar to that required by the HCP.

9. To provide the urban rate documentation required by Line 41 of the Form 466s, the six ETMC HCPs submitted a letter, dated August 8, 2015 from Scott Madison, the managing member of Network Services Solutions ("NSS"). Mr. Madison represented that an urban rate for a 100 Meg circuit in Dallas, TX. is \$138. We also submitted a letter from Scott Madison for an urban rate of \$195.00 dated September 21, 2016, for three FRN's. I understood that NSS provided service to HCPs in the Telecom Program.

10. As far as I am aware, there is no Commission rule that informs an HCP of how it must submit a Form 466 electronically to USAC, or how the HCP must document the urban rate that is provided in a Form 466. Moreover, I do not know of a Commission rule that affords an HCP no more than 14 calendar days to respond to a USAC request for omitted or adequate documentation of the urban rate. I was led to believe that an HCP was free to supplement its initial response to a USAC request for urban rate documentation.

11. On March 27, 2017, the RHCD sent an email to Tim Arthur, with a copy to me, which referred to an attachment that posed questions with regard to the ten above-identified FRNs. The email stated, "Please submit your responses to these inquiries by no later than fourteen (14) calendar days from the date of this letter. Failure to provide the requested information within this time frame will result in denial of the funding requests." In contrast, the attachment concluded:

Please submit your responses to the above requests by no later than **fourteen (14) calendar days** from the date of this letter. Failure to respond to USAC's

information requests in a timely manner and/or provide the requested documentation demonstrating compliance with the Commission's rules may result in denial of the funding request, a commitment adjustment, rejection of an invoice, and/or recovery of improperly disbursed funds. The responses you provide may also result in a follow-up information requests by USAC as necessary.

12 ETMC was requested to provide: (a) an explanation of "how the urban of \$138.00 and \$195.00 was derived;" (b) "documentation to support the urban rate provided, including, but not limited to, documentation that supports that the urban rate for the requested service is 'no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a functionally similar service' in any city with a population of 50,000 or more in that state;" and (c) an "explanation how each HCP's request for 10 Mbps to 100 Mbps Ethernet service are 'functionally similar' to the services(s) used for purposes of this comparison."

13. Attachments 1 to this declaration is a copy of the email that I sent to the RHCD on March 29, 2017, in response to its information request. I effectively informed the RHCD that ETMC was amending its Form 466s by specifying that the urban rate was \$195.00. In my email, I stated as follows:

I have attached the AT&T tariff which is for up to a 100 Meg for \$195. That will cover all of the HCP's listed in the subject line and the FRN's listed below

HCP 17163 FRN 1687308
HCP 17300 FRN 1692182
HCP 17351 FRN 1687307
HCP 17877 FRN 1687306 and FRN 1690330
HCP 18093 FRN 1690244
HCP 18113 FRN 1687309
HCP 18114 FRN 1687305
HCP 18540 FRN 1687310
HCP 25564 FRN 1690038

Please confirm receipt and let me know if we are missing anything.

To document the \$195.00 urban rate, I provided the RHCD with a two-page rate card that showed AT&T's rates for its switched Ethernet services effective May 1, 2016, and an excerpt from the "AT&T Switched Ethernet Service Guide," which described switched Ethernet service as

supporting point-to-point service or a "connection between two ports." The rate card showed that AT&T's switched Ethernet services basic port charge was \$195.00 for a three-year contract.

14. In my March 29, 2017 email, I asked the RHCD to confirm that it received my email. I also requested that the RHCD "let me know if we are missing anything."

15. Concerned that USAC had not approved the Forms 466s that UHC had filed that relied on the \$195.00 urban rate, I sent an email to Erica Stauter at USAC on April 14, 2017 in which I stated:

I wanted to ask about the Ethernet applications we filed and then resubmitted urban rates. We have not received any approvals on these and I wanted to make sure that you did not need anything else from us. Jeremy [Matkovich] told us our urban rates were fine, so I am just checking.

Some of our HCP [clients] are clamoring about their credits and I want to give them an answer.

16. On April 14, 2017, Blythe Albert responded to my email to Ms. Stauter. She sent me an email informing me as follows:

There seems to be some miscommunication about the forms below. These forms are being reviewed using the documentation provided. Until the reviews of all of these forms has been completed no commitments will be issued. During the review process, additional questions may be asked to verify the information provided. The attached email is the correspondence between you and Jeremy. He did not explicitly say that the urban rates were fine. The first sentence says, "If the monthly recurring cost for services(s) that the HCP is requesting only for the transport and does not include any service charges(s)....." We will reach out with more questions if necessary. Thanks.

17. I immediately sent Ms. Albert an email in which I asked her: "If they are not accepted, will you tell us before denying? We want to make sure we are providing the right urban rates." Ms. Albert did not answer my question.

18. Beginning on May 11, 2017, I began providing Ms. Albert with copies AT&T pricing schedules showing that AT&T offered 100 Mbps switched Ethernet service to HCPs at

rates comparable to the \$195 urban rate specified in the Form 466s that the ETMC HCPs submitted. I sent her rate schedules showing that AT&T had agreed to provide 100 Mbps switched Ethernet services to an HCP in Hondo, Texas at a monthly rate of \$214.50, and to an HCP in Independence, Kansas at a monthly rate of \$235.95. These rates were good throughout all AT&T territories including Texas. I offered to discuss the rate schedules with Ms. Albert, and I asked her if I could speak with the person who was reviewing the 195.00 urban rate. We never received any communication from any reviewer.

19. Attachment 2 is an email sent on May 11, 2016 to RHCD with a new urban rate that had been accepted in the past, by RHCD, for \$323 for up to 100 Meg in the state of Texas. This was from Suddenlink, ETMC's current vendor. The email stated:
We would like to have the attached \$323.00 Ethernet urban rate applied to the following FRN's please:

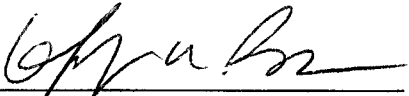
HCP 17163 FRN 1687308
HCP 17300 FRN 1692182
HCP 17351 FRN 1687307
HCP 17877 FRN 1687306
HCP 17877 FRN 1690330
HCP 18093 FRN 1690244
HCP 18113 FRN 1687309
HCP 18114 FRN 1687305
HCP 18540 FRN 1687310
HCP 25564 FRN 1690038

20. I fully expected that the RHCD would contact me if it had any questions with regard to the \$195 or \$323 urban rate, and ETMC would be afforded the opportunity to address any such questions before the RHCD would render its funding decisions. UHC was given no such opportunity. I asked Blythe Albert multiple times to talk to the reviewer and never received any communication from a reviewer.

21. On June 2, 2017, I was notified that USAC was "unable to provide support" to the ETMC HCP's, specifically because they had not "demonstrated that the urban rate provided for the requested is 'no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a *functionally similar* service' in any city with a population of 50,000 or more in that state."

22. I believe if RHCD had any communication with ETMC or UHC the correct urban rate would have been approved. In the last two weeks Suddenlink has given us a new urban rate of \$500 for up to 100 Meg to replace the \$323.

23. I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2017.



Geoff W. Boggs

Stonewall Memorial Hospital

 821 N. Broadway Street,
Aspermont, TX 79502

FCC RN 0001674019

HCP #	Vendor	Acct. #	Terminating Location	Circuit Type	Expiration	Price	Notes
26212	Main Location		821 N Broadway St, Aspermont TX 79502			Stonewall Co.	
462-04	Santa Rosa Tel Coop	00033083-8	Aspermont TX C.O.	10M Ethernet	MTM	\$ 791.44	keep MTM - GB 9/12/16
466	Santa Rosa Tel Coop	00033083-8	Aspermont TX C.O.	VG x 23	MTM	\$ 566.95	1 of 2
466	Santa Rosa Tel Coop	00033083-8	Aspermont TX C.O.	VG x 1	MTM	\$ 26.70	2 of 2 ----- 940-989-3551
27008	SMH- Gibson Care Center		1000 N Broadway Aspermont, TX 79502			Stonewall Co.	940-989-3526
462-01	Santa Rosa Tel Coop	00033083-8	Aspermont TX C.O.	5M	3/4/19	\$ 693.30	60 mo. contract
462-02	Santa Rosa Tel Coop	00049725-8	Aspermont TX C.O.	25M	3/4/19	\$ 74.95	new - waiting on 460 approval
466	Santa Rosa Tel Coop		Aspermont TX C.O.	VG x 3	MTM		do these for 2018 !
55136	SMH- Kent Clinic		1477 Main ST Jayton TX 79528			Kent Co.	806-237-3405
	Caprock						NO 465 2017
55137	SMH SPUR Clinic		907 E Hill ST Spur TX 79370			Dickens Co.	806-271-3306
462-01	Caprock	BUS-10003079	Internet	10M x 2M	MTM	\$ 74.14	49.95 + 4.95 IP + 10.00DSL = 64.90 + taxes
466	Caprock	BUS-10003079	Spur TX - CENTRAL OFFICE	VG x 6			do these for 2018 !
26676	Stonewall Rural Health Clinic		819 N Broadway St, Aspermont TX 79502			Stonewall Co.	

2018 READY! -AW

8/1/17

ATTACHMENT 1

Geoff Boggs

From: Geoff Boggs
Sent: Wednesday, March 29, 2017 11:41 AM
To: 'RHC-Assist'
Subject: RE: Request for Information for HCP#(s) 17163, 17300, 17351, 17877, 18093, 18113, 18114, 18540 and 25564 for FY 2016
Attachments: AT&T Ethernet @ \$195.00.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

I have attached the AT&T tariff which is for up to a 100 Meg for \$195. That will cover all of the HCP listed in the subject line and FRN's listed below

HCP 17163 FRN 1687308
HCP 17300 FRN 1692182
HCP 17351 FRN 1687307
HCP 17877 FRN 1687306 and FRN 1690330
HCP 18093 FRN 1690330
HCP 18113 FRN 1687309
HCP 18114 FRN 1687305
HCP 18540 FRN 1687310
HCP 25564 FRN 1690038

Please confirm receipt and let me know if we are missing anything.

Thanks

Geoff Boggs
USF Healthcare Consulting, Inc.
P. O. Box 326
Prospect, KY 40059
502-228-1907
888-875-8810 Fax
gboggs@uasave.com

From: RHC-Assist [mailto:rhc-assist@usac.org]
Sent: Monday, March 27, 2017 2:49 PM
To: tarthur@etmc.org
Cc: gboggs@uasave.com
Subject: Request for Information for HCP#(s) 17163, 17300, 17351, 17877, 18093, 18113, 18114, 18540 and 25564 for FY 2016

Tim Arthur,

Please see attached document for additional information regarding HCP number(s) 17163, 17300, 17351, 17877, 18093, 18113, 18114, 18540 and 25564 for FY 2016.

ATTACHMENT 2



Elizabeth Goodknight <egoodknight@uasave.com>

2016 Funding year Telecom program URBAN RATE

Elizabeth Goodknight <egoodknight@uasave.com>

Thu, May 11, 2017 at 11:36 AM

To: RHC-Assist <rhc-assist@usac.org>

Cc: Geoff Boggs <gboggs@uasave.com>

We would like to have the attached \$323.00 Ethernet urban rate applied to the following FRN's please.

HCP 17163 FRN 1687308

HCP 17300 FRN 1692182

HCP 17351 FRN 1687307

HCP 17877 FRN 1687306

HCP 17877 FRN 1690330

HCP 18093 FRN 1690244

HCP 18113 FRN 1587309

HCP 18114 FRN 1687305

HCP 18540 FRN 1687310

HCP 25564 FRN 1690038

Thank you for your time and assistance with this matter

Elizabeth Boggs – Goodknight

USF Healthcare Consulting, Inc.

502-228-1907

877-223-5818 Toll Free

888-875-8810 E-Fax

egoodknight@uasave.com

 **TX \$323 10-100M Ethernet MTM - 60 months 2016.pdf**
182K

November 16, 2016

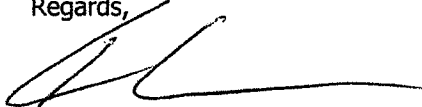
Please find the rate chart for HB2128 CSME rates 0 miles, effective for the State of Texas, city of Tyler.
Zero installs cost on these circuits.

Connection Speed	Month to month	12 Month Term	36 Month Term	60 Month Term	
HB2128 CSME 10 Meg	\$323	\$323	\$323	\$323	
HB2128 CSME 50 Meg	\$323	\$323	\$323	\$323	
HB2128 CSME 100 Meg	\$323	\$323	\$323	\$323	

Please review the above information.

Please feel free to contact me at 903-324-6311 with any questions or concerns regarding this matter.

Regards,



Kenneth Conner

VP, Business Services

311 NNW Loop 323, Tyler TX 75702

Kenneth.conner@suddenlink.com



July 21, 2017

This letter is to confirm that the cost of an Ethernet circuit in Tyler, Texas.

ETHERNET CIRCUITS speeds up to 100M are as follows:

36 months. \$500.00

24 months. \$550.00

12 months \$600.00

GIG (1000M) Ethernet circuits are as follows:

36 months. \$850.00

24 months. \$880.00

12 months \$960.00.

If you have any questions regarding this information you may contact me.

Thank you,

A handwritten signature in black ink, appearing to read "Regina Swearengen", written in a cursive style.

Regina Swearengen

Regional Sales Director

SuddenLink Business Services

Office: 903-939-7245

regina.swearengen@alticeusa.com

Customer Service: 800-490-9604

Network Operations Center: 866-232-5455

EXHIBIT 2

Health Care Providers Universal Service Funding Request and Certification Form

The deadline to submit this form is the June 30th end of the funding year.

Estimated time per response: 3 hours

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.**Block 1: HCP Information**

1 HCP Name East Texas Medical Center - 1st Physicians Frankston	2 HCP Number 17163
3 Form 465 Application #43155418	4 Consortium Name (If any)

Block 2: Bill Payer Information

5 Billed Entity Name East Texas Medical Center - 1st Physicians Frankston	6 Billed Entity FCC RN 0017366121	
7 Contact Name Tim Arthur		
8 Address Line 1 580 N. Frankston HWY		
9 Address Line 2		
10 City Frankston	11 State TX	12 Zip 75763
13 Contact Phone #903-596-3909	14 Fax #	15 Email tarthur@etmc.org

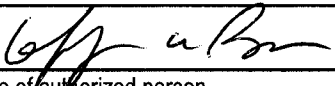
Block 3: Funding Year Information

16 Funding Year - Check only one box		
<input type="checkbox"/> Year 2014 (7/1/2014-6/30/2015)	<input type="checkbox"/> Year 2015 (7/1/2015-6/30/2016)	<input checked="" type="checkbox"/> Year 2016 (7/1/2016-6/30/2017)

Block 4: Service Information

17 Type of Service & Circuit Bandwidth (Documentation required) 10 Mbps Ethernet	
18 Total Billed Miles 0	19 Maximum Allowable Distance (From Form 465) 19.1
20 Percentage of HCP's service used for the provision of health care. 100 (If less than 100%, please explain.) If the HCP indicated it is a part-time eligible entity (on Form 465), describe method of allocating prorated support.	

Connection Information	Carrier A	Carrier B	Carrier C	Carrier D
21 Service Provider Name	Suddenlink			
22 Service Provider Identification Number (SPIN)	143016446			
23 Service Provider Contact Person Name	Dawn Schaap			
24 Service Provider Contact Person's Phone #	903-520-5005			
25 Service Provider Contact Person Email	dawn.schaap@suddenlink.com			
26 Circuit Start Location	580 N. Frankston HWY			
27 Circuit Termination Location	2000 S. Palestine St., Athens TX			
28 Billing Account Number	719803501			
29 Tariff, Contract or other document reference number	RHC# 869355			
30 Date Contract Signed or Date HCP Selected Carrier	07/13/2015			
31 Contract Expiration Date (mm/dd/yyyy or NA if MTM)	07/12/2018			
32 Service Installation Date	11/04/2015			
33 Actual Rural Rate per Month (Enclose Documentation)	800.00			
34 If you are a consortium member OR have multiple carriers, please attach a Circuit Diagram to show how the sites interconnect and which carrier(s) provides each circuit segment. Circuit Diagram included: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
35 Are you a mobile rural health care provider? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, see instructions and attach a list of all sites to be served.				

<p>IF YOU ARE REQUESTING SUPPORT FOR MILEAGE-BASED CHARGES, COMPLETE BLOCK 5 ONLY AND SKIP BLOCK 6. (PLEASE SEE INSTRUCTIONS). IF YOU ARE REQUESTING SUPPORT BASED ON URBAN/RURAL RATE COMPARISON, SKIP BLOCK 5 AND COMPLETE ONLY BLOCK 6. YOUR APPLICATION CANNOT BE PROCESSED IF BOTH BLOCKS ARE COMPLETED.</p>				
<p>Block 5: Mileage-based Charge Discount Request</p>				
<p>Complete this block if you are seeking support for mileage (distance-based) charges only. Do not enter any other charges in this block. You may need to ask your service provider representative to provide this information.</p>				
36 Billed Circuit Miles	0			
37 Monthly Mileage Charges (Exclude Channel Termination chgs, etc.) °				
38 Cost per Mile per Month	0			
<p>If Line 33 equals Line 37, please ensure that ONLY mileage-related charges are included in Line 37. (See instructions.)</p>				
<p>Block 6: Comprehensive Rate Comparison Request</p>				
<p>Complete Block 6 if you have not completed Block 5 and are requesting support for all elements of your telecommunications service necessary for the provision of health care. The information in this block will establish the difference between the urban and rural rates for your requested service. Please contact RHCD at (800 453-1546 if you need assistance.</p>				
39 One-time Urban Rate Charge (in selected large city)				
40 One-time Rural Rate Charge (in city where HCP is located)				
41 Monthly Urban Rate (in selected large city). From RHCD website: <input type="checkbox"/> or Other rate documentation attached: <input checked="" type="checkbox"/>	500			
<p>If your circuit includes charges for mileage over the Maximum Allowable Dist., (Line 19), please complete Lines 42 to 44. Otherwise, skip to Block 7.</p>				
42 Billed Circuit Miles	0			
43 Monthly Mileage Based Charges	0			
44 Cost per Mile per Month	0			
<p>Block 7: Bid Documentation</p>				
<p>45 Did you receive any bids in response to the Form 465 Request for Services posted on the RHCD website? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you checked yes, copies of the bids MUST be submitted to RHCD.</p>				
<p>Block 8: Certification</p>				
<p>46 <input checked="" type="checkbox"/> I certify that the above named entity has considered all bids received and selected the most cost-effective method of providing the requested service or services. The "most cost-effective service" is defined in the Universal Service Order as the service available at the lowest cost after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems necessary for the service to adequately transmit the health care services required by the health care provider.</p>				
<p>47 <input checked="" type="checkbox"/> Pursuant to 47 C.F.R. Secs. 54.601 and 54.603, I certify that the HCP or consortium 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 universal service benefits provided under 47 U.S.C. Sec. 254. I understand that any letter from RHCD that erroneously states that funds will be made available for the benefit of the applicant may be subject to rescission.</p>				
<p>48 <input checked="" type="checkbox"/> I hereby certify that the billed entity will maintain complete billing records for the service for five years.</p>				
<p>49 <input checked="" type="checkbox"/> I certify that I am authorized to submit this request on behalf of the above-named Billed Entity and HCP, and that I have examined this form and attachments and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.</p>				
50 Signature			51 Date 7/28/17	
52 Printed name of authorized person	Geoff Boggs		53 Title or position of authorized person CEO	
54 Employer of authorized person	USF Healthcare Consulting		55 Employer's FCC RN 0018694075	

Please remember:

- ♦ You must submit one Form 466 for **each service** (i.e., circuit) for which you request reduced rates. For example:
 - If you are requesting reduced rates for **two** T1 lines, you must submit **two** Forms 466.
 - If you are requesting reduced rates for **two** ISDN lines & **one** Frame Relay line, you must submit **three** Forms 466.
- ♦ **If the service described on this form is subject to the 28-day competitive bidding requirement, do not select a carrier or complete the Form 466 before or during the 28-day posting period.**
- ♦ **You must provide evidence of the urban rate if you have completed Block 6 and have not used the urban rates from the website.**
- ♦ This form, attachments, and supporting documents should be combined in one envelope and sent to the RHCD.
- ♦ If the service described on this form changes (e.g., rate change) during the funding year, **you must notify RHCD immediately** and submit a revised Form 466.
- ♦ If you have any questions, contact RHCD at (800) 453-1546.

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 FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The data reported will be used to ensure that health care providers have selected the most cost-effective method of providing the requested services as set forth in 47 C.F.R. Section 54.603(b)(4). The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE 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 PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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

ETMC – Frankston Clinic
580 N Frankston Hwy
Frankston, TX 75783

Evergreen Status /RHC 867100

HCP: 17163
Suddenlink 143016446
Acct # 719803501

10 M Ethernet marked page 8

Rural Rate: **\$ 800.00**

Urban Rate: **\$ 500.00**



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RUNNING...**

**SO YOUR
BUSINESS
CAN TOO.**

SG7EF00M



Not all services available in all areas.

Please detach and enclose this coupon with your payment



1820 SSW LOOP 323
TYLER, TX 75701

6040 0100 NO RP 01 08242016 NNNNNNNY 01 996241

ETMC2401 MASTER FIBER BILLING
C/O TANGOE MANAGED SERVICES
PO BOX 5471
MILFORD CT 06460-0707

CONTACT US: 1-800-490-9604 | suddenlinkbusiness.com

Service Period	Due Date	Total Due
09/01 - 09/30	09/11/2016	\$85,571.40

Access Code - 4501 Service Address:
Account Number: 801 CLINIC DR
100001-8626-708944801 TYLER TX 75701-2003
Invoice Date: 08/24/16

PREVIOUS STATEMENT BALANCE	\$81,761.63
TOTAL PAYMENTS	-81,761.63
MONTHLY CHARGES	185.27
CIRCUIT MONTHLY CHARGES	84,196.00
PARTIAL MONTHLY CHARGES	960.00
TAXES AND FEES	230.13
TOTAL BALANCE DUE	\$85,571.40



Thank you

for being a
Suddenlink Business customer.

Account Number	Payment Due Date	Total Amount Due	Amount Paid
100001-8626-708944801	09/11/2016	\$85,571.40	

Please allow up to 3 days to process your payment once it is received.

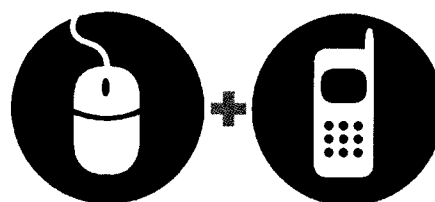
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SUDDENLINK
PO BOX 660365
DALLAS, TX 75266-0365

CIRCUIT SERVICES - CONTINUED

Acct#: 719792401 ETMC REHAB CLINIC LAKE PALESTINE 18118 FM 344 W Flint TX 75762 Circuit Occurrence: 001 Optical Ethernet 10m Intra	800.00
Acct#: 719803501 ETMC FIRST PHYSICIAN - BEAN 580 HWY 155 N Frankston TX 75763 Circuit Occurrence: 001 Optical Ethernet 10m Intra	800.00
Acct#: 719958601 ETMC- Broadway 6210 S BROADWAY AVE TYLER TX 75703-4413 Circuit Occurrence: 001 Optical Ethernet 1g Intra	1,200.00
Acct#: 720062001 ETMC Home Health 19 COUNTY ROAD 4114 BLDG #2 PITTSBURG TX 75686 Circuit Occurrence: 001 Optical Ethernet 10m Intra	400.00
Acct#: 720073301 ETMC6701 Quitman 100 Meg Link 117 N WINNSBORO ST QUITMAN TX 75783-2144 Circuit Occurrence: 001 Optical Ethernet 100M Intra	1,462.00
Acct#: 721042601 ETMC - RHS Home Health Athens 909 E TYLER ST ATHENS TX 75751 Circuit Occurrence: 001 Optical Ethernet 10m Intra	750.00
Acct#: 722188301 ETMC DR Site 801 CLINIC DR BSMT TYLER TX 75701 Circuit Occurrence: 001 Optical Ethernet 10g Intra	4,000.00
Acct#: 723192701 ETMC Lindale Urgent Care 1379 BRAD CIR LINDALE TX 75771 Circuit Occurrence: 001 Optical Ethernet 20m Intra	800.00

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CAN TOO.**

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1820 SSW LOOP 323
TYLER, TX 75701

6040 0100 NO RP 01 08242016 NNNNNNNY 01 996241

ETMC2401 MASTER FIBER BILLING
C/O TANGOE MANAGED SERVICES
PO BOX 5471
MILFORD CT 06460-0707

CONTACT US: 1-800-490-9604 | suddenlinkbusiness.com

Service Period	Due Date	Total Due
09/01 - 09/30	09/11/2016	\$85,571.40

Access Code - 4501 Service Address:
Account Number: 801 CLINIC DR
100001-8626-708944801 TYLER TX 75701-2003
Invoice Date: 08/24/16

PREVIOUS STATEMENT BALANCE	\$81,761.63
TOTAL PAYMENTS	-81,761.63
MONTHLY CHARGES	185.27
CIRCUIT MONTHLY CHARGES	84,196.00
PARTIAL MONTHLY CHARGES	960.00
TAXES AND FEES	230.13
TOTAL BALANCE DUE	\$85,571.40



Thank you
for being a
Suddenlink Business customer.

Account Number	Payment Due Date	Total Amount Due	Amount Paid
100001-8626-708944801	09/11/2016	\$85,571.40	

Please allow up to 3 days to process your payment once it is received.

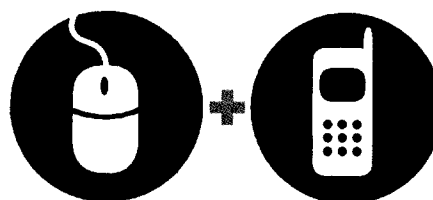
08626001100708944801248557140

SUDDENLINK
PO BOX 660365
DALLAS, TX 75266-0365

CIRCUIT SERVICES - CONTINUED

Acct#: 719792401 ETMC REHAB CLINIC LAKE PALESTINE 18118 FM 344 W Flint TX 75762 Circuit Occurrence: 001 Optical Ethernet 10m Intra	800.00 800.00
Acct#: 719803501 ETMC FIRST PHYSICIAN - BEAN 580 HWY 155 N Frankston TX 75763 Circuit Occurrence: 001 Optical Ethernet 10m Intra	800.00 800.00
Acct#: 719958601 ETMC- Broadway 6210 S BROADWAY AVE TYLER TX 75703-4413 Circuit Occurrence: 001 Optical Ethernet 1g Intra	1,200.00 1,200.00
Acct#: 720062001 ETMC Home Health 19 COUNTY ROAD 4114 BLDG #2 PITTSBURG TX 75686 Circuit Occurrence: 001 Optical Ethernet 10m Intra	400.00 400.00
Acct#: 720073301 ETMC6701 Quitman 100 Meg Link 117 N WINNSBORO ST QUITMAN TX 75783-2144 Circuit Occurrence: 001 Optical Ethernet 100M Intra	1,462.00 1,462.00
Acct#: 721042601 ETMC - RHS Home Health Athens 909 E TYLER ST ATHENS TX 75751 Circuit Occurrence: 001 Optical Ethernet 10m Intra	750.00 750.00
Acct#: 722188301 ETMC DR Site 801 CLINIC DR BSMT TYLER TX 75701 Circuit Occurrence: 001 Optical Ethernet 10g Intra	4,000.00 4,000.00
Acct#: 723192701 ETMC Lindale Urgent Care 1379 BRAD CIR LINDALE TX 75771 Circuit Occurrence: 001 Optical Ethernet 20m Intra	800.00 800.00

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Service availability & offerings vary. Call for details.
SG7CF015



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**SO YOUR
BUSINESS
CAN TOO.**

5G7EF00M



Not all services available in all areas.

Please detach and enclose this coupon with your payment



1820 SSW LOOP 323
TYLER, TX 75701

Account Number	Payment Due Date	Total Amount Due	Amount Paid
100001-8626-708944801	09/11/2016	\$85,571.40	

Please allow up to 3 days to process your payment once it is received.

6040 0100 NO RP 01 08242016 NNNNNNNY 01 996241

ETMC2401 MASTER FIBER BILLING
C/O TANGOE MANAGED SERVICES
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CONTACT US: 1-800-490-9604 | suddenlinkbusiness.com

Service Period	Due Date	Total Due
09/01 - 09/30	09/11/2016	\$85,571.40

Access Code - 4501 Service Address:
Account Number: 801 CLINIC DR
100001-8626-708944801 TYLER TX 75701-2003
Invoice Date: 08/24/16

PREVIOUS STATEMENT BALANCE	\$81,761.63
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PARTIAL MONTHLY CHARGES	960.00
TAXES AND FEES	230.13
TOTAL BALANCE DUE	\$85,571.40



Thank you

for being a
Suddenlink Business customer.

08626001100708944801248557140

SUDDENLINK
PO BOX 660365
DALLAS, TX 75266-0365

Health Care Providers Universal Service Funding Request and Certification Form

The deadline to submit this form is the June 30th end of the funding year.

Estimated time per response: 3 hours

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.**Block 1: HCP Information**

1 HCP Name East Texas Medical Center - Trinity	2 HCP Number 17300
3 Form 465 Application #43163767	4 Consortium Name (If any)

Block 2: Bill Payer Information

5 Billed Entity Name East Texas Medical Center - Trinity	6 Billed Entity FCC RN 0001657642
7 Contact Name Tim Arthur	
8 Address Line 1 317 Prospect Drive	
9 Address Line 2	
10 City Trinity	11 State TX
12 Zip 75862	
13 Contact Phone #903-596-3909	14 Fax #
15 Email tarthur@etmc.com	

Block 3: Funding Year Information

16 Funding Year - Check only one box		
<input type="checkbox"/> Year 2014 (7/1/2014-6/30/2015)	<input type="checkbox"/> Year 2015 (7/1/2015-6/30/2016)	<input checked="" type="checkbox"/> Year 2016 (7/1/2016-6/30/2017)

Block 4: Service Information

17 Type of Service & Circuit Bandwidth (Documentation required) 45 Mbps Ethernet
18 Total Billed Miles 0
19 Maximum Allowable Distance (From Form 465) 112
20 Percentage of HCP's service used for the provision of health care. 100 (If less than 100%, please explain.) If the HCP indicated it is a part-time eligible entity (on Form 465), describe method of allocating prorated support.

Service Provider Information	Carrier A	Carrier B	Carrier C	Carrier D
21 Service Provider Name	Windstream			
22 Service Provider Identification Number (SPIN)	143030766			
23 Service Provider Contact Person Name	Danielle Pickens			
24 Service Provider Contact Person's Phone #	903-223-4385			
25 Service Provider Contact Person Email	danielle.pickens@windstream.com			
26 Circuit Start Location	317 Prospect Dr., Trinity TX			
27 Circuit Termination Location	1202 E. Houston Ave., Crockett TX			
28 Billing Account Number	144-013-0003			
29 Tariff, Contract or other document reference number	NA			
30 Date Contract Signed or Date HCP Selected Carrier	10/10/2007			
31 Contract Expiration Date (mm/dd/yyyy or NA if MTM)	MTM			
32 Service Installation Date	05/01/2008			
33 Actual Rural Rate per Month (Enclose Documentation)	2,578.56			
34 If you are a consortium member OR have multiple carriers, please attach a Circuit Diagram to show how the sites interconnect and which carrier(s) provides each circuit segment. Circuit Diagram included: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
35 Are you a mobile rural health care provider? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, see instructions and attach a list of all sites to be served.				

IF YOU ARE REQUESTING SUPPORT FOR MILEAGE-BASED CHARGES, COMPLETE BLOCK 5 ONLY AND SKIP BLOCK 6. (PLEASE SEE INSTRUCTIONS). IF YOU ARE REQUESTING SUPPORT BASED ON URBAN/RURAL RATE COMPARISON, SKIP BLOCK 5 AND COMPLETE ONLY BLOCK 6. YOUR APPLICATION CANNOT BE PROCESSED IF BOTH BLOCKS ARE COMPLETED.

Block 5: Mileage-based Charge Discount Request

Complete this block if you are seeking support for mileage (distance-based) charges only. Do not enter any other charges in this block. You may need to ask your service provider representative to provide this information.

36 Billed Circuit Miles	0			
37 Monthly Mileage Charges (Exclude Channel Termination chgs, etc.) 0				
38 Cost per Mile per Month	0			

If Line 33 equals Line 37, please ensure that ONLY mileage-related charges are included in Line 37. (See instructions.)

Block 6: Comprehensive Rate Comparison Request

Complete Block 6 if you have not completed Block 5 and are requesting support for all elements of your telecommunications service necessary for the provision of health care. The information in this block will establish the difference between the urban and rural rates for your requested service. Please contact RHCD at (800 453-1546 if you need assistance.

39 One-time Urban Rate Charge (in selected large city)				
40 One-time Rural Rate Charge (in city where HCP is located)				
41 Monthly Urban Rate (in selected large city). From RHCD website: <input type="checkbox"/> or Other rate documentation attached: <input checked="" type="checkbox"/> 500				

If your circuit includes charges for mileage over the Maximum Allowable Dist., (Line 19), please complete Lines 42 to 44. Otherwise, skip to Block 7.

42 Billed Circuit Miles	0			
43 Monthly Mileage Based Charges	0			
44 Cost per Mile per Month	0			

Block 7: Bid Documentation

45 Did you receive any bids in response to the Form 465 Request for Services posted on the RHCD website? ☐ Yes ☒ No
If you checked yes, copies of the bids MUST be submitted to RHCD.

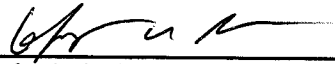
Block 8: Certification

46 ☒ I certify that the above named entity has considered all bids received and selected the most cost-effective method of providing the requested service or services. The "most cost-effective service" is defined in the Universal Service Order as the service available at the lowest cost after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems necessary for the service to adequately transmit the health care services required by the health care provider.

47 ☒ Pursuant to 47 C.F.R. Secs. 54.601 and 54.603, I certify that the HCP or consortium 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 universal service benefits provided under 47 U.S.C. Sec. 254. I understand that any letter from RHCD that erroneously states that funds will be made available for the benefit of the applicant may be subject to rescission.

48 ☒ I hereby certify that the billed entity will maintain complete billing records for the service for five years.

49 ☒ I certify that I am authorized to submit this request on behalf of the above-named Billed Entity and HCP, and that I have examined this form and attachments and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

50 Signature 	51 Date 7/28/17
52 Printed name of authorized person Geoff Boggs	53 Title or position of authorized person CEO
54 Employer of authorized person USF Healthcare Consulting	55 Employer's FCC RN 0018694075

Please remember:

- You must submit one Form 466 for **each service** (i.e., circuit) for which you request reduced rates. For example:
 - If you are requesting reduced rates for **two** T1 lines, you must submit **two** Forms 466.
 - If you are requesting reduced rates for **two** ISDN lines & **one** Frame Relay line, you must submit **three** Forms 466.
- **If the service described on this form is subject to the 28-day competitive bidding requirement, do not select a carrier or complete the Form 466 before or during the 28-day posting period.**
- **You must provide evidence of the urban rate if you have completed Block 6 and have not used the urban rates from the website.**
- This form, attachments, and supporting documents should be combined in one envelope and sent to the RHCD.
- If the service described on this form changes (e.g., rate change) during the funding year, **you must notify RHCD immediately** and submit a revised Form 466.
- If you have any questions, contact RHCD at (800) 453-1546.

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 FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The data reported will be used to ensure that health care providers have selected the most cost-effective method of providing the requested services as set forth in 47 C.F.R. Section 54.603(b)(4). The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE 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 PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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

ETMC- Trinity
317 Prospect Dr.
Trinity, TX 75862

End Point 1202 E Houston Av, Crockett, TX 75835

Still receiving 36 month contracted rate

HCP	17300
Windstream	143030766
Acct	144-013-0003

Ethernet 45M

Rural Rate:

Service	1978.56
Transport term	<u>600.00</u>
Total cost	\$ 2578.56

Urban Rate:

\$500.00