

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Healthcare Connect Fund)	
Support Mechanism)	WC Docket No. 02-60
)	
Request for Waiver)	
By Indiana Telehealth Network)	Application No. 16964351

**REQUEST FOR REVIEW AND WAIVER
BY INDIANA TELEHEALTH NETWORK
OF FUNDING DECISIONS BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 to 54.725 of the Commission's rules,¹ the Indiana Telehealth Network (ITN)² hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to deny a Form 463 application disbursement of funds for Funding Request Number (FRN) 16964351.

USAC denied the above-captioned applications for Healthcare Connect Fund (HCF) disbursement of funding due to a combination of technical issues with *My Portal* and incorrect application of the invoicing deadline by USAC staff. ITN respectfully asks the Bureau for a waiver of the invoicing deadline, which has now past. To the extent that USAC's *My Portal* website denied access to file the form and USAC's technical support confirmed that the issue was purely technical and would be resolved, ITN believes USAC erred by not granting ITN the ability to submit the Form 463 on July 11, 2018. This error was further compounded by USAC staff's refusal to work with ITN to allow for the filing of the Form 463 on July 12, 2018, which would have corrected USAC's administrative error.

¹ 47 C.F.R. § 54.719 to 54.725

² ITN's health care provider number is 17224.

With respect to C.F.R. § 54.645(b), which states “... All invoices must be received by the Administrator within six months of the end date of the funding commitment,” the funding commitment letter³ identifies the invoicing deadline for this FRN as July 11, 2018. USAC failed to comply with C.F.R. § 54.645(b) by not allowing ITN to file the Form 463 on July 11, 2018.⁴, USAC then denied ITN’s reasonable request for additional time to file the invoice, despite the issue being deemed a technical error within *My Portal* by the USAC staff.⁵ This was an administrative error on the part of USAC and is contrary to the Bureau’s directive that USAC do its best to work with applicants who are attempting to act in good faith.

I. BACKGROUND

The Indiana Telehealth Network is a consortium of health care providers (HCP) in Indiana. ITN files HCF funding applications on behalf of its eligible members and is managed by the non-profit Indiana Rural Health Association.⁶ For the application that underlies this appeal, ITN’s associate project coordinator, Allison Orwig, was the primary point of contact between ITN, the service provider and USAC.

ITN was aware of the July 11, 2018 invoicing deadline. In order to fulfill its responsibilities as consortium leader, Ms. Orwig began communicating with the service provider to obtain copies of invoices showing proof of service, cost and payments made by the eligible HCP. It took several weeks to obtain copies of the service provider issued invoices

³ The funding commitment letter for FRN 16964351 is presented in Exhibit 1.

⁴ USAC is clearly aware of the rule cited and all funding commitments received by ITN cites the rule and provides the 6-month filing deadline on the FCL itself. In this case, USAC failed to follow the rule due to what we can only assume is bad IT coding within *My Portal*. USAC indicated that ITN’s inability to access the Form 463 on July 11, 2018 was a technical error and that this error would be fixed prior to the close of the business day. ITN believes that this technical error may have been incorrect IT coding within *My Portal* that made the deadline to file the Form 463 11:59 p.m. Eastern July 10, 2018 – thereby only giving ITN 5 months and 29 days to file the Form 463.

⁵ Telephone Conversation Between Allison Orwig and USAC Help Desk Representative Eric at 3:01 p.m. on July 11, 2018.

⁶ The Indiana Rural Health Association is the Consortium Leader of the ITN as defined by 54 C.F.R. § 54.631.

from the service provider.⁷ Finally, copies of the applicable service provider issued invoices were provided to ITN on July 9, 2018. Further clarification and confirmation was needed, which the service provider ultimately provided on July 11, 2018.

On July 11, 2018, ITN secondary account holder Allison Orwig signed into her account in *My Portal* to begin the process of filing the FCC Form 463 to request disbursement of funding for FRN 16964351. Upon accessing *My Portal*, Ms. Orwig found that the link to file the Form 463 was “grayed out”, making the form unavailable to complete. Ms. Orwig immediately sent an email to the USAC help desk to seek a remedy.⁸ As this was the day of the stated deadline, Ms. Orwig followed up with a phone call to the RHC help line at 3:01 p.m. Eastern and spoke with Eric, a USAC representative. Eric stated that USAC RHC staff had reviewed her original email and after investigation determined the inability to access the Form 463 to be an IT issue. As a result, RHC staff had escalated to the IT department. Ms. Orwig expressed concern that she would not be able to file the Form as required. Eric, acting in his role as a USAC representative, assured Ms. Orwig that the technical issue preventing her from filing the Form 463 would be corrected before 5:00 p.m. that same day and that the deadline to file the Form 463 was 11:59 p.m. eastern.⁹

At 7:45 p.m. Ms. Orwig accessed *My Portal* and found that the link was still unavailable. Ms. Orwig immediately sent another email to the USAC help desk noting that the Form was still inaccessible and an extension of the filing deadline would be necessary.¹⁰ The requested deadline extension was only necessary because USAC failed to fulfill their

⁷ See Exhibit 2, Email Exchange Between Allison Orwig and Stephanie Wall dated July 6, 2018, through July 11, 2018.

⁸ See Exhibit 3, Email Exchange Between Allison Orwig and rhc-assist@usac.org dated July 11, 2018.

⁹ An automated message at the beginning of the call indicated that this phone conversation was recorded. While the ITN does not have access to this recording, it is reasonable to assume that the recording could be provided to the FCC by USAC if required.

¹⁰ See Exhibit 4, Email Exchange Between Allison Orwig and rhc-assist@usac.org dated July 11, 2018.

administrative and fiduciary responsibilities to the program and its beneficiaries by neglecting to resolve the IT issue preventing ITN from filing the Form timely. Ms. Orwig also stated that she would log into *My Portal* again before midnight in case the IT issue was resolved by then and the Form was available for submission.¹¹ As stated, Ms. Orwig logged into *My Portal* at 10:00 p.m.; the Form was continued to be unavailable for submission.

On July 12, 2018, Ms. Orwig received an email at 8:16 a.m. from Nicole Taylor at USAC, stating that USAC was escalating the issue to the Invoicing team.¹² A second email from USAC was received at 9:25 a.m. from Khala Smith stating that the deadline to submit the Form was actually 12:00 a.m. on July 11, 2018 and this was why the Form 463 link was not available.¹³

According to this logic, the final date to file the form would have actually been 11:59 p.m. on July 10, 2018. If the deadline was truly 12:00 a.m. on July 11, 2018 as stated on the funding commitment letter, ITN had exactly 5 months, 29 days and 1 minute to comply with the 6-month invoicing deadline.¹⁴ Ms. Smith further advised Ms. Orwig that ITN could file an appeal with the FCC to seek a waiver of the invoicing deadline.

After receiving Ms. Smith's email, ITN decided to first seek an administrative remedy from USAC.¹⁵ Ms. Orwig submitted the ITN's request for administrative review and all supporting documentation to USAC on July 20, 2018.¹⁶ On August 3, 2018, ITN received an

¹¹ ITN acknowledges that completion of the Form 463 requires that both the HCP and service provider sign, certify and submit the Form to USAC. Submission of the Form by ITN *only* would not have resulted in compliance with the invoicing deadline. ITN was very intent on doing everything that it could to meet the invoicing deadline in good faith.

¹² See Exhibit 5, Email Exchange Between Allison Orwig and Nicole Taylor dated July 12, 2018.

¹³ See Exhibit 6, Email Exchange Between Allison Orwig and Khala Smith dated July 12, 2018.

¹⁴ See Exhibit 1 showing the invoicing deadline as July 11, 2018.

¹⁵ See <https://www.usac.org/about/about/program-integrity/appeals.aspx>. Last accessed August 17, 2018. USAC advises that "there may be an administrative remedy that does not require a formal appeal decision"

¹⁶ See Exhibit 7, Email Exchange Between Allison Orwig and rhc-appeals@usac.org, *et al.* dated July 20, 2018.

email from Ms. Tori Schwetz at USAC denying the request for an administrative remedy, stating “that all invoices must be received by the Administrator within six months of the end date of the funding commitment (*see* 47 C.F.R. § 54.645(b)), and FCC rules do not allow for USAC to waive the invoicing deadline.”¹⁷

While the ITN understands that USAC is prevented from waiving invoicing deadlines that are initially unmet by consortia, HCPs, or service providers, we respectfully submit that the deadline stated on the funding commitment letter included no time, and therefore the deadline should be 11:59 p.m. *on the stated date*. In this case, the ITN was prevented from filing on the stated date of July 11, 2018, due to an administrative error within USAC’s *My Portal* system and an extension should be issued due to their inability to provide an administrative remedy to the issue.

Appeals to the Commission are due within 60 days.¹⁸ As such, this appeal is timely filed.

II. THE REQUESTED WAIVERS ARE IN THE PUBLIC INTEREST

Any of the Commission’s rules may be waived if good cause is shown.¹⁹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²⁰ In addition, the Commission may take into

¹⁷ See Exhibit 8, Email Exchange Between Allison Orwig and Tori Schwetz dated August 3, 2018.

¹⁸ 47 C.F.R. § 54.720.

¹⁹ 47 C.F.R. § 1.3.

²⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²¹

Here, the requested waiver serves the public interest. USAC established a filing deadline that was inconsistent with the *Healthcare Connect Fund Order* and their own funding commitment letter, and then refused to grant a reasonable extension to an applicant that was attempting to file in good faith. The only reason ITN was unable to submit the FCC Form 463 prior to the invoicing deadline was because *My Portal* would not allow ITN to access the Form. It is not in the public interest, nor does it advance the goals of the Healthcare Connect Fund program, to deny funding to ITN under these circumstances. This is even more true where, as here, no time was stated on the funding commitment letter and the public good is best served by adopting a logical deadline of 11:59 p.m. on the final day of the six month deadline – in this case July 11, 2018, 11:59 p.m. eastern.

A. ITN Attempted in Good Faith to File a FCC Form 463 within the Allowable Invoicing Dates

ITN respectfully requests that the Bureau waive the invoicing deadline for Funding Request Number 16964351 so that ITN can file the FCC Form 463. As described in this Request for Waiver, USAC failed to follow the requirements of the *Healthcare Connect Fund Order*, which allows applicants to invoice within six months of the funding commitment end date.²² As a result, ITN did not have access to file the Form 463. For this reason, the Bureau should waive the deadline and instruct USAC to process ITN's Form 463.

Further, USAC failed to reasonably accommodate an applicant that was working in good faith to file the form. USAC clearly believed that the ITN was within their allowable filing

²¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

²² 47 C.F.R. § 54.645(b)

window. USAC took responsibility for the *My Portal* system issue that was preventing ITN from accessing the form, stating that they would remedy the issue that same day, which would allow ITN to file the form. USAC further provided verbal confirmation that the deadline to file the form was 11:59 p.m. on July 11, 2018.²³

ITN notes that a deadline of 11:59 p.m. eastern the day of the deadline – any deadline – is consistent with USAC administrative policies. The deadline to file funding requests for Funding Year 2018 was 11:59 p.m. on June 29th. The deadline to respond to information requests is noted on USAC communication as 11:59 p.m. eastern on the day of the deadline²⁴. It is entirely inconsistent for USAC to state in this case that the real deadline to file the Form 463 is 12:00 a.m. on the day of the deadline.

As shown in the attached exhibits, USAC acknowledged that it was their error preventing ITN from accessing the Form 463. However, USAC declined to give ITN any extension when the error was not rectified by the deadline and an administrative review was requested. The Bureau has directed USAC to do its best to work with applicants who are acting in good faith.²⁵ But USAC did not do so here. If USAC had granted even a one-day extension – in consideration of the fact that the form could not be accessed due to their error - ITN would have submitted the Form 463 in a timely fashion. Consistent with the Bureau’s instructions,

²³ See Footnote 5 & Exhibits 4-5

²⁴ See Exhibit 9, Email Exchange Between Kai Thompson and Allison Orwig dated September 4, 2018.

²⁵ See *Request for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.*, File Nos. SLD-523576, *et al*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 n.14 (2007) (“USAC shall continue, however, to work beyond [the deadline] with applicants attempting in good faith to submit the necessary documentation.”).

USAC should have made an effort to accommodate ITN once it was aware that the allowable filing window was only missed due to a technical issue within *My Portal*.

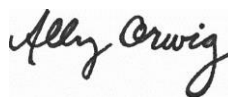
Finally, ITN urges the Bureau to recognize that the missed deadline did not in any way harm the HCF program. While ITN understands the importance of filing deadlines, its request for an extension due to USAC's error cannot possibly be said to have interfered with the efficient and effective operation of the HCF program. ITN therefore respectfully asks the Bureau to waive the deadline for invoice filing for FRN 16964351.

III. CONCLUSION

Ultimately, ITN's stance is that there is no stated time for the invoicing deadline on the Funding Commitment Letter other than the date of July 11, 2018. The rule in 47 C.F.R. § 54.645(b) is very clear that the applicant has six months from the end date of the FCL to file Form 463. A full six months means that the deadline is 11:59 p.m. on the last day. The correspondence with the USAC help line and staff furthers this stance in that ITN was told it was a technical issue that was being resolved by USAC and that the deadline to file was midnight on July 11, 2018.

For the foregoing reasons, the Bureau should grant ITN's request for waiver of the deadline for filing a Form 463 for FRN 16964351, and direct USAC to process ITN's invoice.

Respectfully submitted,



Ally Orwig
Associate Project Coordinator –
Indiana Telehealth Network
Indiana Rural Health Association
2901 Ohio Boulevard,
Suite 240
Terre Haute, IN 47803
812-478-3919
aorwig@indianarha.org

September 5, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of September 2018, a true and correct copy of the foregoing Request for Review was sent via email to the Universal Service Administrative Company.

/s/ Ally Orwig

Exhibit 1

Allison Orwig

From: rhcadmin@usac.org
Sent: Wednesday, April 12, 2017 11:56 AM
To: Jackie Michl
Subject: Rural Health Care HCF Funding Commitment Letter (FCL): HCP 17224, FRN 16964351

Funding Commitment Letter Date: 4/12/2017
Invoicing Deadline: 7/11/2018
Funding Year: 2016
Health Care Provider (HCP) Name: Indiana Telehealth Network
HCP Number: 17224
HCP Contact Name: Don Kelso
HCP Contact Email: dkelso@indianarha.org
HCP Contact Phone: (812) 478-3919 ext. 224
Funding Request Number: 16964351
Competitive Bidding Exemption: Evergreen Contract

The Rural Health Care (RHC) division of the Universal Service Administrative Company (USAC) has completed its review of the FCC Form 462 *Healthcare Connect Fund Funding Request Form* (Form 462) and the supporting information submitted by the HCP named above. Based on the information provided, RHC has determined that the HCP is eligible for the funding estimated below. It is the HCP's responsibility to review this FCL and verify that all information is accurate.

Total Committed Funding: \$63,684.46
HCP Physical Location: 2901 Ohio Blvd, Suite 240, Terre Haute, IN 47803
Service Provider Name: Smithville Telecom LLC
Service Provider Identification Number (SPIN): 143022456

Multiple Expense Information

Expense Item	Funding Start Date	Funding End Date	Undiscounted Recurring Expense	Undiscounted Non-Recurring Expense	Recurring Funding Amount	Non-Recurring Funding Amount	Total Funding Amount	Committed Funding Amount
1	1/12/2017	1/11/2018	\$980.00	\$0.00	\$7,644.00	\$0.00	\$7,644.00	\$7,072.84
2	1/12/2017	1/11/2018	\$980.00	\$0.00	\$7,644.00	\$0.00	\$7,644.00	\$7,072.84
3	1/12/2017	1/11/2018	\$980.00	\$0.00	\$7,644.00	\$0.00	\$7,644.00	\$7,072.84
4	1/12/2017	1/11/2018	\$980.00	\$0.00	\$7,644.00	\$0.00	\$7,644.00	\$7,072.84
5	1/12/2017	1/11/2018	\$504.00	\$0.00	\$3,931.20	\$0.00	\$3,931.20	\$3,637.46
6	1/12/2017	1/11/2018	\$2,500.00	\$0.00	\$19,500.00	\$0.00	\$19,500.00	\$18,042.97
7	1/12/2017	1/11/2018	\$980.00	\$0.00	\$7,644.00	\$0.00	\$7,644.00	\$7,072.84
8	1/12/2017	1/11/2018	\$920.00	\$0.00	\$7,176.00	\$0.00	\$7,176.00	\$6,639.81

Contract Summary

Expense Item	Contract ID	Contract Sign Date	Contract End Date	Determination
1	880501	10/18/2011	1/11/2018	Evergreen
2	880501	10/18/2011	1/11/2018	Evergreen
3	880501	10/18/2011	1/11/2018	Evergreen
4	880501	10/18/2011	1/11/2018	Evergreen
5	880501	10/18/2011	1/11/2018	Evergreen
6	880503	10/18/2011	1/11/2018	Evergreen
7	880504	10/18/2011	1/11/2018	Evergreen
8	885995	10/18/2011	1/11/2018	Evergreen

If a multi-year commitment was approved, funding is shown by funding year.

Year One: \$29,959.09

Year Two: \$33,725.40

The pro-rata factor for this filing window period is 92.52804%.

This funding request was submitted during FY2016 Filing Window 2. All qualifying requests submitted within the filing window period will receive a pro-rated percentage of the total funds available during FY2016 Filing Window 2 based on the total amount of qualifying funding requested during the filing window period. For each filing window period, if the total demand for RHC Program funding exceeds the total remaining funding available for the fund year, USAC will apply a pro-rata factor to each funding request. Learn more about funding request filing window periods [here](#).

About pro-ration:

- If the final total dollar value of all qualifying funding requests exceeds the \$400 million cap for all qualifying funding requests by the close of a filing window period, qualifying funding requests submitted during that filing window period will receive a pro-rated percentage of the total funds available during the filing window period.
- If the final total dollar value of all qualifying upfront payments and qualifying multi-year funding requests exceeds \$150 million by the close of a filing window period, qualifying upfront payments and qualifying multi-year funding requests will receive a pro-rated percentage of the annual \$150 million limit on funding for upfront payments and multi-year funding requests. This annual limit on upfront payments and multi-year payments is included in, and not in addition to, the aggregate \$400 million annual cap on all qualifying funding requests. 47 C.F.R. § 54.675 (a)

Evergreen: For the life of the original term of the contract, the HCP is not required to re-complete the service(s) identified above, nor post an FCC Form 461 Healthcare Connect Fund Request for Services Form (Form 461). An HCP that exercises an option to extend the duration of an Evergreen contract may do so without the competitive bidding process for that funding year; however, the option to extend the duration of an Evergreen contract must be memorialized in the terms of the original contract, and the HCP's decision to extend the duration of an Evergreen contract must occur before the HCP submits the Form 462 for the funding year in which the Evergreen contract expires.

Approved multi-year funding requests must have an Evergreen-endorsed contract. Once funding is approved for multi-year funding, the HCP does not have to submit a Form 462 for the service(s) identified above, through the funding end date shown above. An HCP with new services (or upgrades not requested in the original Form 461) must submit a Form 461, and participate in the competitive bidding process, before submitting a Form 462.

Your responsibility: It is the HCP's responsibility to review the information in this FCL. Contact RHC at rhc-hcp@usac.org if there is an error with the amount of funding or other information in this FCL.

If, at any time, the funded services are no longer provided to the HCP or the HCP is not otherwise receiving the approved funding, it is the HCP's responsibility to notify RHC immediately.

Information provided on Forms 461, 462, and the FCC Form 463 Healthcare Connect Fund Invoice and Request for Disbursement Form (Form 463) are subject to audit by RHC and the FCC. HCPs are subject to audits and other reviews by USAC and/or the FCC to ensure that the universal service funding is used in compliance with FCC program rules. If USAC discovers that funds are not used in compliance with program rules, an HCP may be subject to enforcement activities and other means of recourse by USAC and other appropriate federal, state, and local authorities.

Next Steps: The HCP must complete and submit the Form 463 through the "My Portal" website. The Form 463 will confirm receipt of the services and equipment for which funding has been approved and the date on which the service provider began providing those services. The service provider will 1) confirm the accuracy of the Form 463; 2) confirm that the HCP has paid its 35% contribution; and 3) submit the Form 463 to RHC for payment.

The Form 463 must be submitted by the date listed at the top of this letter (Invoicing Deadline) which is six months after the end date of the funding commitment. However, HCPs are encouraged to start the invoicing process as soon as services have started and a bill has been received from the service provider.

For a single Funding Year, if the total undiscounted one-time upfront costs for a consortium are more than \$50,000 when divided by the total number of eligible HCPs in the consortium, then those one-time upfront costs must be pro-rated over three years.

Receipt of funding commitments is contingent on compliance with all statutory, regulatory, and procedural requirements of the Rural Health Care HCF Program. HCPs that receive funding commitments may be subject to random audits, site visits, and other reviews by USAC to assure that funds have been committed and are used in accordance with all such requirements. USAC may be required to reduce or rescind funding commitments that were not issued in accordance with such requirements, whether due to action, or inaction, including but not limited to that by USAC, the HCP or the service provider. USAC, and other appropriate authorities (including but not limited to the Federal Communications Commission), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

If you wish to appeal this decision, you must file an appeal with USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available on the USAC website at <http://usac.org/about/about/program-integrity/appeals.aspx>.

For questions or assistance, or if this email has been received in error, contact Rural Health Care at (800) 453-1546, between 8:00 a.m. and 5:00 p.m. Eastern Time Monday through Friday or by email at rhc-hcp@usac.org.

All account holders and the service provider contact listed on the Form 498 will receive a copy of this FCL.

Exhibit 2

Allison Orwig

From: Stephanie Wall <Stephanie.Wall@smithville.com>
Sent: Wednesday, July 11, 2018 1:01 PM
To: Allison Orwig
Subject: RE: Invoices

Ally,
The 5 Windrose sites disconnected on 8/29/2017.
Thank you,
Stephanie

Stephanie Wall
Regulatory Compliance Accountant
Office: (812) 935-2215 | **Fax:** (812) 935-2607
stephanie.wall@smithville.com | smithville.com



From: Allison Orwig
Sent: Wednesday, July 11, 2018 12:06 PM
To: Stephanie Wall
Subject: RE: Invoices
***** ATTENTION *****

This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Stephanie,
Yes, my mistake. It was misfiled on our end.
Were there any other charges for the Windrose sites on the attached document during that date range as well? The previous document I shared only included Sullivan and Daviess sites.
Thank you,
Ally Orwig

From: Stephanie Wall <Stephanie.Wall@smithville.com>
Sent: Monday, July 9, 2018 4:08 PM
To: Allison Orwig <aorwig@indianarha.org>
Subject: RE: Invoices

Ally,
You should have the invoices for January 12, 2017 through November 1, 2017. On November 15, 2017 we invoiced USAC from January 12, 2017 through October 31, 2017.
Thank you,

Stephanie Wall
Regulatory Compliance Accountant

Office: (812) 935-2215 | **Fax:** (812) 935-2607
stephanie.wall@smithville.com | smithville.com



From: Allison Orwig <aorwig@indianarha.org>
Sent: Monday, July 9, 2018 4:02 PM
To: Stephanie Wall <Stephanie.Wall@smithville.com>
Subject: Re: Invoices
***** ATTENTION *****

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Stephanie,
Did you have any invoices prior to that November? As I'm sure you saw, I mistyped the dates I needed. I actually need all invoices from January 12, 2017 through January 11, 2018.
Thanks,
Ally

On Jul 9, 2018, at 11:06 AM, Stephanie Wall <Stephanie.Wall@smithville.com> wrote:

Ally,
Attached is the requested invoice for Sullivan County & Martin County. There is no charges for the Sullivan County Hospital Carlisle Clinic, it closed on April 3, 2017.
Thank you,

Stephanie Wall

Regulatory Compliance Accountant

Office: (812) 935-2215 | **Fax:** (812) 935-2607

stephanie.wall@smithville.com | smithville.com

From: Allison Orwig <aorwig@indianarha.org>
Sent: Friday, July 6, 2018 7:16 AM
To: Stephanie Wall <Stephanie.Wall@smithville.com>
Subject: Invoices
***** ATTENTION *****

This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

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Stephanie,
I haven't gotten any invoices for these funding line items or Funding Commitment Letter. The deadline to submit is next Wednesday, so if you could send me the invoices from 1/12/18 through 1/11/19 for the items on the attached spreadsheet ASAP I would appreciate it. The deadline is the 11th, so if I get

them by the 10th at the latest I shouldn't have any trouble getting them submitted. Let me know if you have any questions.

Thank you,

Ally Orwig

Project Coordinator

aorwig@indianarha.org

812-478-3919 ext. 235

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Exhibit 3

Allison Orwig

From: Allison Orwig
Sent: Wednesday, July 11, 2018 1:16 PM
To: 'rhc-assist@usac.org'
Subject: Invoicing Deadline
Attachments: Rural Health Care HCF Funding Commitment Letter (FCL): HCP 17224, FRN 16964351

Hello!

I am trying to file our final invoice for FRN 16964351, but the website tells me the deadline has passed and will not allow me to click Create 463. The FCL (attached) shows that today is the deadline for filing. Any help or guidance is appreciated!

Thank you,

Ally Orwig

Project Coordinator

aorwig@indianarha.org

812-478-3919 ext. 235



Exhibit 4

Allison Orwig

From: Allison Orwig
Sent: Wednesday, July 11, 2018 7:49 PM
To: 'rhc-assist@usac.org'
Subject: RE: Invoicing Deadline

Hello, again!

I just wanted to follow up from the email below and the phone call to Eric at the help desk today. I understand the IT department is working to fix the issue which is not allowing me to place my final invoice. I was told that it would be fixed by 5 pm today, in time for me to file the invoice by midnight. Unfortunately, it appears that I am still unable to create the Form 463 at this time. The button remains greyed out.

I am hoping that the deadline will be extended if the technical issue is not repaired before midnight tonight and would appreciate a confirmation email to that end when your offices reopen tomorrow. I will check back again around 10 pm Eastern to see if the issue has been resolved.

Thank you for all of your time and help on this issue!

Sincerely,
Ally Orwig

From: Allison Orwig
Sent: Wednesday, July 11, 2018 1:16 PM
To: 'rhc-assist@usac.org'
Subject: Invoicing Deadline

Hello!

I am trying to file our final invoice for FRN 16964351, but the website tells me the deadline has passed and will not allow me to click Create 463. The FCL (attached) shows that today is the deadline for filing. Any help or guidance is appreciated!

Thank you,
Ally Orwig
Project Coordinator
aorwig@indianarha.org
812-478-3919 ext. 235





Exhibit 5

Allison Orwig

From: Nicole Taylor <Nicole.Taylor@usac.org>
Sent: Thursday, July 12, 2018 8:16 AM
To: Allison Orwig
Cc: RHC-Invoicing
Subject: RE: [External Sender] Fwd: RE: Invoicing Deadline

Hi Allison,

We apologize for the inconvenience involving the inability to create a Form 463 yesterday.

I am escalating and forwarding your inquiry to the Invoicing team that directly handles the Form 463. Someone from the invoicing team will get back to you as soon as possible regarding your inquiry below.

If you have any further questions or concerns about this particular issue, please reply directly to the invoicing team. Thank you.

Nicole Taylor

Program Manager of Stakeholder Engagement | (800) 453-1546

Ntaylor@usac.org | www.usac.org

On 7/11/2018 7:49 PM, Allison Orwig wrote:

Hello, again!

I just wanted to follow up from the email below and the phone call to Eric at the help desk today. I understand the IT department is working to fix the issue which is not allowing me to place my final invoice. I was told that it would be fixed by 5 pm today, in time for me to file the invoice by midnight. Unfortunately, it appears that I am still unable to create the Form 463 at this time. The button remains greyed out.

I am hoping that the deadline will be extended if the technical issue is not repaired before midnight tonight and would appreciate a confirmation email to that end when your offices reopen tomorrow. I will check back again around 10 pm Eastern to see if the issue has been resolved.

Thank you for all of your time and help on this issue!

Sincerely,
Ally Orwig

From: Allison Orwig
Sent: Wednesday, July 11, 2018 1:16 PM
To: 'rhc-assist@usac.org' <rhc-assist@usac.org>
Subject: Invoicing Deadline

Hello!

I am trying to file our final invoice for FRN 16964351, but the website tells me the deadline has passed and will not allow me to click Create 463. The FCL (attached) shows that today is the deadline for filing. Any help or guidance is appreciated!

Thank you,
Ally Orwig
Project Coordinator
aorwig@indianarha.org
812-478-3919 ext. 235



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Exhibit 6

Allison Orwig

From: RHC-Invoicing <RHC-Invoicing@usac.org>
Sent: Thursday, July 12, 2018 9:25 AM
To: Allison Orwig
Cc: RHC-Invoicing; RHC-Assist
Subject: RE: Escalated Invoicing Deadline Question

Good Morning Ally,

I apologize for the delay as it took longer than expected to investigate the invoicing deadline concern. The invoicing deadline for FRN 16964351 was July 11, 2018 at 12:00AM EST and that is why you were unable to select the "Create Form 463" button yesterday. Unfortunately we do not have the administrative authority to grant an invoice deadline extension at this time.

As next steps, you do have the ability to file an appeal/waiver of the FCC ruling however.

Please refer to the USAC website for instructions on filing a waiver with the FCC for the invoicing deadline: <http://www.usac.org/about/about/program-integrity/appeals.aspx>.

- Any party (including, but not limited to entities filing an FCC Form 499, federal universal service program applicants, and service providers) that wishes to appeal a USAC decision must first file an appeal with USAC to seek review of the USAC decision before filing an appeal with the FCC. Once USAC has made a decision on an appeal, the party may appeal USAC's decision to the FCC.
- Parties seeking a waiver of FCC rules (i.e. late payment fees, waiver of form deadlines, etc.) should file an appeal directly with the FCC because USAC cannot waive FCC rules.

Feel free to let me know if you have any additional questions.

Best Regards,

Khala Smith
Rural Health Care Program
1(800) 453-1546
rhc-invoicing@usac.org

On 7/11/2018 1:15 PM, Allison Orwig wrote:

Hello!

I am trying to file our final invoice for FRN 16964351, but the website tells me the deadline has passed and will not allow me to click Create 463. The FCL (attached) shows that today is the deadline for filing. Any help or guidance is appreciated!

Thank you,
Ally Orwig
Project Coordinator
aorwig@indianarha.org

812-478-3919 ext. 235



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Exhibit 7

Allison Orwig

From: Allison Orwig
Sent: Friday, July 20, 2018 10:44 AM
To: 'Rhc-appeals@usac.org'; 'Marcel.Numa@usac.org';
'Nikoletta.Theodoropoulos@usac.org'; 'Pam.Lloyd@usac.org'
Subject: Administrative Review Request
Attachments: Rural Health Care HCF Funding Commitment Letter (FCL): HCP 17224, FRN 16964351;
RE: Invoices; Invoicing Deadline; RE: Invoicing Deadline; RE: [External Sender] Fwd: RE:
Invoicing Deadline

To Whom It May Concern:

The Indiana Telehealth Network #17224, a consortium applicant participating in the Healthcare Connect Fund, hereby requests an Administrative Review from USAC regarding the invoicing deadline for Funding Request Number 16964351. We were unable to file a Form 463 on July 11, 2018, which was the invoicing deadline for this FRN, due to technical issues at USAC. USAC advises that "There may be an administrative remedy that does not require a formal appeal decision." (see <https://www.usac.org/about/about/program-integrity/appeals.aspx>). Because we were prevented from filing the Form 463 due to issues within My Portal, we seek an administrative remedy that will allow us to submit the Form 463 seeking disbursement of the funds remaining on this FRN.

C.F.R. § 54.645(b) states "... All invoices must be received by the Administrator within six months of the end date of the funding commitment". The funding commitment letter (attached), identifies the invoicing deadline for this FRN was 7/11/2018.

Leading up to this date, I requested the outstanding invoices from the vendor and finally received some documentation early last week. After a brief email exchange (attached as "RE: Invoices"), I confirmed that we had all the correct and complete information the morning of 7/11/2018. I went to My Portal where I found that the "Create 463" button was inaccessible and greyed out for FRN# 16964351. I immediately sent an email to the RHC-assist account (attached as "Invoicing Deadline"). Having not received any communication by 3 p.m.—and that day being the stated deadline—I called the help line at 3:01 p.m. on 7/11/18 and spoke with Eric. Eric told me that he had seen my email, and that it was determined to be an IT issue that had been escalated to the IT department. He assured me that it would definitely be corrected before 5 p.m. that day and that I had until midnight to file the 463.

That evening, around 7:45 p.m. on 7/11/18, I logged into MyPortal and found that the issue had still not been resolved. I sent another email to the help desk detailing the unresolved issue and stating that I would check back at 10 pm to try once again. This email is also attached (as "RE: Invoicing Deadline"). I received a reply (attached as "RE: [External Sender] Fwd: RE: Invoicing Deadline") the next morning, 7/12/18 at 8:16 a.m., that the issue was being escalated to the Invoicing Team. I then received another email at 9:25 a.m. (attached as "RE: Escalated Invoicing Deadline Question") explaining that the deadline was actually 12:00 a.m. on 7/11/18 and this was why we were unable to create and file a 463. I called the author of the email, Khala Smith, at 10:14 a.m. to discuss the details of the email. She echoed the sentiments of the email and urged me to make my case to the FCC and use her email—and the others—as supporting documentation.

Ultimately, our stance is that there is no stated time for the invoicing deadline on the Funding Commitment Letter other than the date of 7/11/18. The rule noted above is very clear that the applicant has six months from the end date of the FCL to file Form 463. A full six months means that the deadline is 11:59 p.m. on the last day. If not, the actual deadline for submission should be listed as 11:59 p.m. on 7/10/18. The correspondence with the RHC helpline staff furthers this stance in that we were told it was a technical issue that was being resolved and that we had until midnight to file on the 7/11/18. We respectfully request that this matter be reviewed and that we are provided with an extension in which we may file the final 463 for FRN# 16964351.

If you need any additional information or have any questions, please contact me at any time. Your time and consideration are appreciated.

Thank you,

Ally Orwig

Project Coordinator

aorwig@indianarha.org

812-478-3919 ext. 235



Exhibit 8

Allison Orwig

From: rhc-appeals <rhc-appeals@usac.org>
Sent: Friday, August 3, 2018 4:29 PM
To: Allison Orwig
Cc: RHC-Invoicing
Subject: RE: Administrative Review Request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ally,

We have evaluated this issue as a possible administrative remedy. FCC rules explain that all invoices must be received by the Administrator within six months of the end date of the funding commitment (see 47 C.F.R. § 54.645(b)), and FCC rules do not allow for USAC to waive the invoicing deadline. Therefore, we cannot resolve this issue via administrative remedy.

If you wish to request a waiver of the invoicing deadline, you can follow the instructions pursuant to 47 C.F.R. Part 54, Subpart I (47 C.F.R. §§ 54.719 to 725). Please note that parties seeking a waiver of FCC rules should file an appeal directly with the Commission because USAC cannot waive FCC rules.

Sincerely,

Tori Schwetz

Manager of Program Risk and Compliance | Rural Health Care
USAC
(p) (202) 423-2070
tori.schwetz@usac.org | www.usac.org

From: rhc-appeals
Sent: Wednesday, July 25, 2018 4:02 PM
To: Allison Orwig <aorwig@indianarha.org>
Cc: RHC-Invoicing <RHC-Invoicing@usac.org>
Subject: RE: Administrative Review Request

Dear Ally,

Thank you for the detailed correspondence. We are looking into this as an administrative remedy and will get back to you with next steps by **Friday, August 3rd**.

Please let me know if you have any questions or concerns.

Sincerely,

Sakura Miyazaki

Rural Health Care
USAC
www.usac.org

From: Allison Orwig [<mailto:aorwig@indianarha.org>]

Sent: Friday, July 20, 2018 10:44 AM

To: rhc-appeals <rhc-appeals@usac.org>; Marcel Numa <Marcel.Numa@usac.org>; Nikoletta Theodoropoulos <Nikoletta.Theodoropoulos@usac.org>; 'Pam.Lloyd@usac.org' <Pam.Lloyd@usac.org>

Subject: Administrative Review Request

To Whom It May Concern:

The Indiana Telehealth Network #17224, a consortium applicant participating in the Healthcare Connect Fund, hereby requests an Administrative Review from USAC regarding the invoicing deadline for Funding Request Number 16964351. We were unable to file a Form 463 on July 11, 2018, which was the invoicing deadline for this FRN, due to technical issues at USAC. USAC advises that "There may be an administrative remedy that does not require a formal appeal decision." (see <https://www.usac.org/about/about/program-integrity/appeals.aspx>). Because we were prevented from filing the Form 463 due to issues within My Portal, we seek an administrative remedy that will allow us to submit the Form 463 seeking disbursement of the funds remaining on this FRN.

C.F.R. § 54.645(b) states "... All invoices must be received by the Administrator within six months of the end date of the funding commitment". The funding commitment letter (attached), identifies the invoicing deadline for this FRN was 7/11/2018.

Leading up to this date, I requested the outstanding invoices from the vendor and finally received some documentation early last week. After a brief email exchange (attached as "RE: Invoices"), I confirmed that we had all the correct and complete information the morning of 7/11/2018. I went to My Portal where I found that the "Create 463" button was inaccessible and greyed out for FRN# 16964351. I immediately sent an email to the RHC-assist account (attached as "Invoicing Deadline"). Having not received any communication by 3 p.m.—and that day being the stated deadline—I called the help line at 3:01 p.m. on 7/11/18 and spoke with Eric. Eric told me that he had seen my email, and that it was determined to be an IT issue that had been escalated to the IT department. He assured me that it would definitely be corrected before 5 p.m. that day and that I had until midnight to file the 463.

That evening, around 7:45 p.m. on 7/11/18, I logged into MyPortal and found that the issue had still not been resolved. I sent another email to the help desk detailing the unresolved issue and stating that I would check back at 10 pm to try once again. This email is also attached (as "RE: Invoicing Deadline"). I received a reply (attached as "RE: [External Sender] Fwd: RE: Invoicing Deadline") the next morning, 7/12/18 at 8:16 a.m., that the issue was being escalated to the Invoicing Team. I then received another email at 9:25 a.m. (attached as "RE: Escalated Invoicing Deadline Question") explaining that the deadline was actually 12:00 a.m. on 7/11/18 and this was why we were unable to create and file a 463. I called the author of the email, Khala Smith, at 10:14 a.m. to discuss the details of the email. She echoed the sentiments of the email and urged me to make my case to the FCC and use her email—and the others—as supporting documentation.

Ultimately, our stance is that there is no stated time for the invoicing deadline on the Funding Commitment Letter other than the date of 7/11/18. The rule noted above is very clear that the applicant has six months from the end date of the FCL to file Form 463. A full six months means that the deadline is 11:59 p.m. on the last day. If not, the actual deadline for submission should be listed as 11:59 p.m. on 7/10/18. The correspondence with the RHC helpline staff furthers this stance in that we were told it was a technical issue that was being resolved and that we had until midnight to file on the 7/11/18. We respectfully request that this matter be reviewed and that we are provided with an extension in which we may file the final 463 for FRN# 16964351.

If you need any additional information or have any questions, please contact me at any time. Your time and consideration are appreciated.

**Thank you,
Ally Orwig**

Project Coordinator
aorwig@indianarha.org
812-478-3919 ext. 235



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Exhibit 9

Allison Orwig

From: RHC-HCP <RHC-HCP@usac.org>
Sent: Tuesday, September 4, 2018 7:59 AM
To: Don Kelso; Allison Orwig; Jackie Michl; Kathleen Chelminiak
Cc: RHC-HCP
Subject: ALERT: Response Needed to Information Request – HCF Form 462, HCP #: 17224, FRN: 18412481

Date: 9/4/2018

Funding Year: 2018

Funding Request Number (FRN):	18412481
Health Care Provider (HCP) Number:	17224
HCP Name:	Indiana Telehealth Network

This is a reminder from the Rural Health Care (RHC) division of the Universal Service Administrative Company (USAC) that your response to the information request attached below, and sent to the HCP on **Tuesday, 08/28/2018** is needed by the deadline provided below in order for RHC to proceed with its review of the FCC Form 462. Based on the date of this email, the HCP must respond to this information request no later than 11:59 PM (Eastern Time) on **Tuesday, 09/11/2018**. A timely response to this inquiry is required; failure to respond by the deadline will result in a funding denial.

After the information is received and any corrections made, the review of the form can continue.

For questions or assistance, or if this email has been received in error, contact Rural Health Care at 1-800-453-1546, between 9:00 a.m. and 4:30 p.m. Eastern Time Monday through Friday or by email at rhc-hcp@usac.org.

All account holders will be copied on this and all correspondence from USAC related to this account.

Kai Thompson

Rural Health Care Program

USAC

1 (800) 453-1546

rhc-hcp@usac.org | [Health Care Connect Fund](#)

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