

7/14/18

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554
CC Docket No. 02-6

Re: Letter of Appeal of Commitment Adjustment Letter for funding Year 2016, issued 07/13/2018.

Dear Sir or Madam:

I am submitting this letter of appeal regarding denial of E-rate FY 2016 reimbursement for FRNs 1699115794 and 1699115969, on the grounds that, the service type for FRN 1699115794 and 1699115969 were inaccurately labeled as basic maintenance when they are correctly for internal connections. All USAC and FCC rules and regulations were followed to procure the internal connections services.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Union Grove Elementary
471 Application Number:	161050636
Billed Entity Number:	132861
FRN:	1699115794 and 1699115969
Service Provider:	Skyward, Inc.

SLD Explanation for denial: *"Failure to post FCC Form 470 for the category of service for which the applicant sought funding on the FCC Form 471."*

The issue in this case boils down simply to this: The denial of funding is based on an administrative error regarding the selection of the service type for the 2016 Funding Requests. The funding requests were inaccurately selected as basic maintenance when they are in fact internal connections purchases. Union Grove Elementary certified a 2016 Form 470 #160014527 on 02/25/2016, attached, for Internal Connections Firewall Service and Components as well as Wireless Access Points. The allowable contract date for this Form 470 was 03/24/2016. After the 28-day bidding window closed and submissions evaluated, Skyward, Inc. was chosen to provide only internal connections services as listed on the Form 470. Please see attached signed quote dated 05/23/16 that only includes internal connections and no basic maintenance services. The Form 471 was certified on 05/24/2016 and was approved on 10/17/2016.

The applicant had very little experience with E-rate and as a result did not have the expertise to correctly file this Form 471; that is why the description of equipment is included in the narrative on the Form 471. Per the awarded Skyward quote for internal connections, specific equipment requested includes 30 instant ap-215 WLS 802.11 N/AC 3x3:3 2 Rad (11976903) \$433.19 each total \$12995.70 Aruba Outdoor Access Points - 8 Instant IAP- 275 Outdoor Wireless Access Points 802.11 N/AC 3x3:3, dual radio, integrated antennas \$871.92 each total \$6975.36 Aruba Mount Kit - 8 Aruba 270 Series Outdoor AP Short Mount Kit - \$56 each total \$448.00 for a Grand Total of \$19971.06. This is described on page 2 of the Form 471 under the Narrative for FRN 1699115794, which matches the line items requested on the Form 470 and also on the Skyward quote for internal connections. Skyward, Inc. was also chosen to provide Dell SonicWall NSA 5600 Total Secure (11138402) described on page 4 of the Form 471 under the Narrative for FRN 1699115969, which matches the line items requested on the Form 470 and also on the Skyward quote for internal connections.

Furthermore, this is an example of the failure of the USAC Program Integrity Assurance review process. Only two inquiries were issued on 10/05/2016 requesting supporting documentation for the funding requests. The awarded Skyward quote was provided via the EPC Portal on 10/11/2016. If the USAC review had been correctly completed, the ministerial/clerical error should have been identified as this point being that there was no basic maintenance included on the related Form 470. New internal connections FRNs should have been created to fix the service type to match the documentation and avoid the current issue at hand. Instead, the application was immediately approved as is on 10/17/2016.

Finally, after the purchases were made and installed, reimbursement was filed for with USAC and subsequently approved. Please see the attached Skyward invoice for the internal connections equipment (firewall and wireless access points) which received the E-rate funding per USAC and FCC rules and regulations. **The internal connections items listed on the invoices match the line items included on Form 470 #160014527, the internal connections items listed on the winning quote signed 5/23/16 and finally match the internal connections items as listed in the narrative for FRN 1699115794 and 1699115969 on the Form 471 #161050636.**

We have sufficiently shown that the services which were filed for on the Form 470, Form 471 and subsequently for reimbursement are all for internal connections that were correctly bid per FCC and USAC program rules and requirements. Furthermore, this information was provided to Allison Schmits-Allwood on 03/19/18 via email, attached, and no recommendation was provided to correct the ministerial/clerical error. Based on the Bishop Perry Order, we request FRN 1699115794 and 1699115969 be funded and USAC actions remain consistent with this order. The service type for these FRNs in this instance were selected incorrectly as basic maintenance when again they are correctly for internal connections, as also supported in all pieces of documentation presented with this appeal.

Given that the denial of funding in this case was based on merely an administrative error, regarding the selection of the correct service type, the Parties respectfully request that the SLD process this Letter of Appeal and approve the funding reimbursement for Union Grove Elementary. The denial of funding for an administrative error places a particular hardship on a school district such as Union Grove Elementary that otherwise should have been approved for and received E-rate funding for its application.

We respectfully request that you overturn the denial and restore full funding of this FRN. Thank you for reviewing this appeal. Please use the contact information below.

Sean Cuskey, Vice President, e2e Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, stc@e2eexchange.com

Sincerely,
E2e Exchange, LLC

Sean Cuskey
Vice President

CC:

Enclosures – 2016 Form 470 #160014527
2016 Form 471 #161050636
Signed quote AND INVOICE for Skyward, Inc. internal connections
PIA Summary for #161050636
Email correspondence with Allison Schmits-Allwood