Letter of Appeal

Federal Communications Commission

FCC 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

Dear Ms. Marlene Dortch,

I am writing this letter of appeal on behalf of the Alva Public Library. The library was informed several months ago that USAC had overpaid for their Internet Service and that they were to return monies for said service. We believe this is an incorrect adjustment. We filed an appeal with USAC but apparently their automated system cannot account for 2 FRN’s and it was denied. Please understand that the denial is based on the fact that EPC cannot calculate ½ month of the 20mb approved FRN and 11 1/2 months of a 50mb FRN.  The inability of EPC to perform that calculation unfairly penalizes the library by requiring the library to pay more than $400 for the first half of July when USAC themselves approved both FRN’s because the upgrade could not be completed by the date of the first billing period, which Is July 1.  The library is being unfairly penalized when USAC showed both FRN’s as “invoice ready”, which means they were viable FRN’s.

Because service providers are not always able to compete work by the start date we file 2 FRN’s to cover existing service until the new service is up and ready. In addition, I believe the EPC system was further thrown off do to the Pioneer billing cycle which is from the 15th of the month to the 14th of the month, although it covers service from the 1st of each month. Since the inception of Erate, USAC has understood and allowed the billing cycle to begin July 15th of a given year and end on July 14 of the following year. In short, exactly 12 months of service.

SLD Explanation for denial: “It was determined that Existing FRN 1699024932 and FRN 1699024838 are requesting the same services for the same time frame. Overlapping and duplicative services are defined as services that deliver the same functionality to the same population in the same location during the same period of time. If the requests are overlapping duplicative services, the requests cannot be modified to start and end within the same month. Between the two funding requests identified as overlapping duplicates, Existing Services, FRN 1699024932 you requested a service start date of July 15, 2016 with an end date of August 1, 2016. FRN 1699024838 requested start date is August 2, 2016 with an end date of June 30, 2017. The EPC system calculates for an entire month, July August 15, 2018 Revised 8 BEN Name: ALVA PUBLIC LIBRARY BEN: 139952 Post Commitment Wave: 56 and August. There is an overlap of service from August 2 – August 31, 2016. Recovery is required for $484.90 for the overlapped of dates. This did not reverse the decision nor demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.”

\*This is incorrect. Existing FRN 1699024932 was only paid until start of new FRN 1699024838. There was not an overlap of payment.

I am requesting that this case be further reviewed as I believe the library did due diligence, has remained honest and ethical and has not accepted more money than is allowed under the USAC rules and regulations.

Thank you for your time in reviewing this case. Alva Public Library BEN # 139952, Pioneer SPIN # 143001169. FCC 471 Application # 161012676. We respectfully request that you overturn the denial and omit the return of funds for the Alva Public Library; FRN numbers below. Thank you for reviewing this appeal. FRN for 20mbps #1699024932 and FRN for 50mbps # 1699024838.

I am the Consultant from the State Library of Oklahoma for the Alva Public Library. If you have questions or would like to discuss this matter with me, please feel free to contact me at, [wendy.gabrielson@libraries.ok.gov](mailto:wendy.gabrielson@libraries.ok.gov) or call me at 405.522.3322.

Sincerely,

Wendy Gabrielson

Consultant, Oklahoma Department of Libraries