

07/26/2018

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 Revised Funding Commitment Decision letter for funding Year 2016, issued 07/25/2018.

Dear Sir or Madam:

I am submitting this letter of appeal regarding E-rate FY 2016 Revised Funding Commitment Decision Letter, on the grounds that, a waiver for the Invoice Deadline should be granted in accordance with FCC Order 07-36.

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|-------------------------|-------------------------------------|
| Appellant Name: | e2e Exchange, LLC |
| Applicant Name: | New Milford SD |
| 471 Application Number: | 161004398 |
| Billed Entity Number: | 122928 |
| FRN: | 1699022013 |
| Service Provider: | Office Business System Holdings Inc |

The issue in this case boils down simply to this: USACs overall failure to review filed invoices for the 2016 Funding Year in an efficient, timely and accurate manner directly impacted the service providers ability to file the third invoice prior to the invoice deadline of 1/28/18. Office Business Systems (OBS) SPIN 143004900 filed three invoices for FRN 1699022013 in an effort to claim the SPI reimbursement. Two of these invoices were filed prior to the deadline of 1/28/18; invoice 2659960 and invoice 2726256. OBS completed and submitted the required service certification for invoice 2659960 as early as August 2017. Due to inexperience and lack of knowledge with the E-rate program, the OBS contact simply failed to include the installation date on the service certification. Office Business Systems received no communication from USAC or the reviewer in regard to this mistake until receiving denial of invoice 2659960.

OBS filed for reimbursement again, prior to the deadline of 1/28/18, on invoice 2726256. Due to inexperience and lack of knowledge with the E-rate program, OBS simply submitted the service certification intended for invoice #2659960 for the new invoice #2726256, believing that the service certification was now positively correct. For the second time, OBS received no communication from USAC or the reviewer of this mistake. Denial of invoice 2726256 was not issued until after the invoice deadline of 01/28/18 passed. This forced Office Business Systems to file a third invoice on 1/31/18, invoice 2764965, in order to successfully submit a correct service certification.

The USAC delay on reviewing filed invoices as well as the reviewer's failures to communicate properly with the applicant/provider (for both 2659960 and 2726256), a third Service Provider Invoice was filed after the 1/28/18 deadline in order to successfully obtain reimbursements. USAC denied this invoice for the reason that it was filed on 1/31/18, after the invoice deadline, even though Office Business Systems has documented filing for the reimbursement prior to both the original invoice deadline of 10/30/18 and the extended invoice deadline of 1/28/18. To reiterate, invoice 2764965 was only filed after the 1/28/18 deadline because invoice 2726256 was still pending until 1/30/18 with no communication from USAC.

The inability of USAC to reimburse the 40% discount to Office Business Systems for FRN 1699022013 is causing the company to demand the discounted portion from the school district that had been originally included on the invoices for New Milford SD. This in turn is causing undue hardship for New Milford School District since the project had previously been approved for eligible reimbursement through the E-rate program.

We are requesting a waiver of the Invoice Deadline rule that invoices must be filed prior to the invoice deadline date. **In accordance with FCC Order 07-36, the missed deadlines are a procedural error, and not a failure to adhere to the core program requirement or a misuse of funds. Violations that were procedural, not substantive should not be completely rejected.** No harm has been done to USAC, the applicant or the service provider as payments flow directly from USAC to the service provider. This is a procedural issue and not substantive.

The Parties respectfully request that the SLD process this Letter of Appeal and approve the funding commitment for New Milford School District, remaining consistent with **FCC Order 07-36**. The denial of reimbursement due to an invoice deadline, a procedural error, places a particular hardship on a school district such as New Milford that otherwise had been approved for E-rate funding for its application.

We respectfully request that you approve this waiver request. 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 –