

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

Re: Letter of Appeal of Commitment Adjustment Letter for funding Year 2017, issued 07/23/2018.

Dear Sir or Madam:

I am submitting this letter of appeal regarding denial of E-rate FY 2017 reimbursement for FRN 1799066368, on the grounds that, the service type for the related 2016 Form 470 was inaccurately labeled as internal connections but basic maintenance was included in the narrative. All USAC and FCC rules and regulations were followed to procure the basic maintenance services.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	York Preparatory Academy
471 Application Number:	171030706
Billed Entity Number:	16060655
FRN:	1799066368
Service Provider:	CNIC, 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 category of service for the 2016 Form 470. York Preparatory certified FY 2016 Form 470 #160032381, attached, on 03/04/2016. The allowable contract date for this Form 470 was 04/01/2016. After the 28-day bidding window closed and submissions evaluated, CNIC, Inc. was chosen to provide basic maintenance services as listed on the narrative of the Form 470. Please see attached signed letter of intent dated 04/08/2016 for a two-year term for July 1, 2016 to June 30, 2018 with CNIC. The 2016 FRN on application 161042453 was linked to the CNIC contract; additionally, #160032381 was entered as the “User entered establishing FCC Form 470#” and April 8, 2016 entered as the “award date”. The 2016 Form 471 was certified on 05/22/2016 and was approved with this information on 08/26/2016.

The 2017 Form 471 was subsequently filed for basic maintenance services for the second year of the CNIC agreement. FRN 1799066368 on application 171030706 is linked to the CNIC contract. The contract has #160032381 as the “User entered establishing FCC Form 470#” and April 8, 2016 as the “award date”. Please see the signed Letter of Intent for the two-year term, July 1, 2016 to June 30, 2018, attached. The 2017 application was certified on 05/03/2017 and was approved with this information 08/11/2017.

The applicant had very little experience with E-rate and as a result did not have the expertise to correctly file the 2016 Form 470; that is why the description of basic maintenance for eligible equipment is included in the narrative on the Form 470. On Page 1 of Form 470 #160032381 under the Category Two Narrative it lists 1 YR NBD Support for eligible equipment. Therefore, a request for basic maintenance services was included on the posted Form 470 but the categories of service in the drop down were incorrectly selected by the applicant. The incorrect selection of the category of service is a ministerial/clerical error.

Furthermore, this is an example of the failure of the USAC Program Integrity Assurance review process during both 2016 and 2017 Funding Years. Only one inquiry was issued 08/15/2016 for application #161042453 requesting supporting documentation for the funding requests. The application was approved shortly after on 08/26/2016. Similarly, only one inquiry was issued 07/21/2017 for application #171030706 requesting Category 2 budget information. The application was approved shortly after on 08/11/2017.

We have sufficiently shown that the services which were filed for on the Form 470 and Form 471 are for basic maintenance services that were correctly bid per FCC and USAC program rules and requirement, via the narrative on the 2016 Form 470. Based on the Bishop Perry Order, we request FRN 1799066368 be funded and USAC actions remain consistent with this order. Basic maintenance as a category of service was included on the 2016 Form 470 in the narrative description, as 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 York Preparatory Academy. The denial of funding for an administrative error places a particular hardship on a school district such as York preparatory Academy 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](mailto:stc@e2eexchange.com)

Sincerely,  
**E2e Exchange, LLC**

Sean Cuskey  
Vice President

CC:

Enclosures – 2016 Form 470 #160032381  
2016 Form 471 #161042453  
2016 CNIC Signed LOI for a 2 YR term  
2017 Form 471 #171018331