**Before the**

**Federal Communications Commission**

**Washington, DC 20554**

In the Matter of )

)

Schools and Libraries ) CC Docket No. 02-6

Universal Service Support Mechanism )

)

Request for Waiver ) Application No. 181039680

By NetXV (BEN: 221711) )

)

**Request for Waiver**

NetXV (BEN: 221711) respectfully requests that the Wireline Competition Bureau (Bureau) waive the invoice deadlines detailed in the table below. We are writing to appeal the denial of invoice deadline extensions requested on November 4, 2019.[[1]](#footnote-1)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Form 471** | 181039680 | 181039680 | 181039680 | 181039680 | 181039680 |
| **FRN** | 1899077834 | 1899078760 | 1899079152 | 1899083750 | 1899083751 |
| **SPIN** | 143025700 | 143025700 | 143025700 | 143025700 | 143025700 |
| **Invoice Deadline** | 10/28/2019 | 10/28/2019 | 10/28/2019 | 10/28/2019 | 10/28/2019 |

**Explanation of Appeal/Waiver**

We are writing to waive the Invoice Deadline Extension for the above listed funding requests on FCC Form 471 181039680 for funding year 2018. The reason given for the invoice extension denial was “*This FRN has already passed its original IDD*”[[2]](#footnote-2).

There have been extremely complex and unusual circumstances that caused the invoicing deadline to be missed. Issues took place between the applicant and service provider that caused confusion on the fact that an extension was even necessary since a Form 500 is pending for the same funding requests.

**Background**

NetXV has been and is currently entangled in several issues with the FCC and USAC on the above referenced funding requests. After a viable competitive bidding process in 2018, they engaged Conterra Ultra Broadband, LLC (Conterra) to construct a robust fiber WAN for its 38 consortia members located in ESC Region 15 in Texas. Below is an account of the barriers and how there is confusion as to if/when an invoice extension is necessary.

After multiple discussions between NetXV, Conterra and their third party service providers, a project redesign was finalized in March 2019 and special construction began in April 2019. Knowing that fiber services were not going to be delivered or lit within the FY 2018 fund year, a Form 500 was submitted to USAC on June 14, 2019, to extend contract end dates and implementation deadlines. To date, the Form 500 status is still “in review”[[3]](#footnote-3).

We realize when these extensions are approved on the Form 500, the invoice deadlines should be automatically extended to allow the applicant and service provider extended time to complete the project and receive commensurate reimbursements. However, Conterra has been submitting Form 474 invoices, or Service Provider Invoices (SPIs), for reimbursement from USAC each month as progress payments (milestone payments) on these funding requests so they have the capital to continue with the special construction of this large fiber project.

There was confusion as to which party, NetXV or Conterra, would file an invoice deadline extension or if one was even necessary. As it turns out, an extension is needed because Conterra must continue invoicing USAC the monthly milestone payments during the Form 500 waiting period.

**Conclusion**:

As you can see, there were several unusual circumstances and complexities that caused NetXV to miss the invoice deadline for these services. We hope the FCC and Bureau will recognize the extraordinary circumstances and grant us additional time. Under normal circumstances, these deadlines would have been clearer to us and we would have filed a timely extension.

We anticipate the Form 500[[4]](#footnote-4) will be processed by USAC soon and the implementation and contract deadlines will be extended; which will then allow NetXV and Conterra to requests all funding through June 30, 2020.

We respectfully request the FCC waive the October 28, 2019, invoice deadline and allow Conterra an additional 120 days to file Service Provider Invoices. We further attest there is no intent to defraud the program in any way.

Sincerely,



Ginnie Harwood

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CRN 16062048

1. Exhibit A – NetXV\_2018\_IDER denial [↑](#footnote-ref-1)
2. Exhibit B – NetXV\_2018\_IDER denial-2 [↑](#footnote-ref-2)
3. Exhibit C – NetXV\_2018\_500-150167 [↑](#footnote-ref-3)
4. *Id* [↑](#footnote-ref-4)