

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 (Request for Waiver) of Invoice Deadline Date Extension Request 2472 for funding Year 2016, issued 10/23/18.

Dear Sir or Madam:

I am submitting this letter of appeal regarding E-rate Invoice Deadline Date Extension Request 2472 for FRN #1699002335, on the grounds that, a waiver for the Invoice Deadline should be granted due to the recently released RFCDL 6/22/18 and in accordance with FCC Order 07-36.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Montvale SD
471 Application Number:	161001916
Billed Entity Number:	122925
FRN:	1699002335
Service Provider:	Cablevision Lightpath

The issue in this case boils down simply to this: A revised Funding Commitment Decision Letter for Application #161001916, FRN #1699002335 was issued on 6/22/2018 approving an appeal filed with USAC, making additional funds available to the district. Since the appeal was approved on 6/22/18, these additional funds have only been available as of 6/22/18. However, USAC did not also subsequently update the invoice deadline date which remains 02/27/2018; reimbursement cannot be approved for the remaining portion that has been approved via the appeal. It does not make sense for an applicant to submit an appeal regarding a USAC error only to have the inability to file for the approved reimbursement due to an additional USAC error of not extending the IDD.

A USAC appeal to properly increase the discount percentage for Montvale School Districted was submitted on 04/11/2018, appeal #92683. A decision on the appeal was issued on the Revised Funding Commitment Decision Letter on 6/22/2018 *increasing the discount percentage for FRN #1699002335 from 20% to 40% and thereby the maximum reimbursement from \$7,440.00 to \$14,880.00*. The school had a total yearly expenditure with Cablevision Lightpath of \$33,600.00. With a discount percentage of 40% the district should receive a total of \$13,440.00 as reimbursement.

Prior to the original required invoice deadline of 10/29/2017, the district filed for and received the maximum approved amount of \$7,440.00. After the appeal was approved on the RFCDL issued 6/22/2018, increasing the maximum reimbursement, an extension was expected on the affected FRN #1699002335. After this did not occur, BEAR invoice #2831833 was submitted on 7/11/2018 for the additional \$6,000.00 available to the district. As of 10/26/2018 this amount has not been approved and additionally the IDD remains 2/27/2018. A USAC customer service Case #251569 was created on 10/15/2018 in regard to extending the IDD. On 10/23/2018 an Invoice Deadline Extension was requested for FRN #169902335 and denied with the reasoning "This FRN has already been granted a 120-day IDD extension".

The problem stems from the original USAC error cited in the appeal submitted on 04/11/2018 and approved on 6/22/2018 that "the USAC verification process has been insufficient in regard to the E-rate discount for FY 2016 for Montvale Public Schools. The USAC determination stating less than 1% of total students at Montvale Public are eligible for Free and or Reduced Lunch is wholly incorrect". Furthermore that "given that the denial of funding in this case was based on merely an unsubstantiated USAC administrative error, regarding the verification of the E-rate discount, the Parties respectfully request that the SLD ... restore full funding to this FRN".

Since the full funding has been restored only after 6/22/2018, after the extended Invoice Deadline Date of 2/27/2018, the school district has been unable to claim the additional \$6,000.00 that has otherwise been approved. The inability of USAC to reimburse the additional discount for Montvale School District is causing undue hardship for the applicant.

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 or the service provider. However, the applicant has now been subject to two different USAC errors causing a delay on claiming their 2016 reimbursement that was approved on 6/22/2018.

The Parties respectfully request that the SLD process this Letter of Appeal and approve the funding commitment for Montvale School District, remaining consistent with **FCC Order 07-36**. The denial of reimbursement due to an invoice deadline *which should have been extended after the issued RFCDL*, a procedural error, places a particular hardship on a school district such as Montvale SD 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 –

1. Email from USAC of Denied Invoice Deadline Date Extension Request 2472
2. Submitted Appeal 4/11/2018 for FRN #1699002335
3. Issued RFCDL (Appeal Approval) 6/22/2018 for FRN #1699002335
4. BEAR invoice #2831833 for \$6,000.00