

11/06/19

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 2018, issued October 23rd, 2019.

Dear Sir or Madam:

I am submitting this letter of appeal regarding denial of E-rate FY 2018 funding request for Internet Access, on the grounds that, the service was awarded a full 28 days after the required minimum 28 day bidding window as shown by the documentation provided. Therefore, no violation of the 28 day bidding rule has occurred for FRN #1999027200 and associated 2018 FRN #1899033375.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Pelham UFSD
471 Application Number:	181019468
Billed Entity Number:	123677
FRN:	1899033375
Service Provider:	Crown Castle/ Lighttower Fiber Networks II, LLC

SLD Explanation for denial: *“DR1: The referenced RFP was not available for 28 days after the filing of the FCC Form 470. Program rules require applicants to wait at least 28 days after releasing an RFP before selecting a service provider, signing a contract or entering into a legally binding agreement, or submitting an FCC Form 471. Therefore, this FRN is denied. “*

The issue in this case boils down simply to this: The documentation submitted during both the 2018 and 2019 Program Integrity Assurance (PIA) reviews clearly shows that the Form 470 #180012606 was certified on 1/5/2018, with the minimum 28 day (Allowable Contract Date) of 2/2/2018. Pelham UFSD properly evaluated all the bids received with price as the most heavily weighted criteria. The winning vendor was not selected until 2/28/2018. This is a total of 54 days after certification of the required Form 470. Please see attached documentation provided during the PIA review as well as email correspondence. This is the same situation for the related 2019 FRN #1999027200. Based on the Bishop Perry Order, we request FRN #1899033375 be funded and USAC actions remain consistent with this order.

Given that the denial of funding in this case is based on completely inaccurate information for FRN #1899033375 and no rule violations have occurred, specifically regarding the 28 day bidding rule, the Parties respectfully request that the SLD process this Letter of Appeal and approve the 2019 funding commitment for Pelham UFSD. The denial of funding for an administrative error places a particular hardship on a school district such as Pelham UFSD 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.

Tiffany Bullion, Director of Operations, e2e Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, trb@e2eexchange.com

Sincerely,
E2e Exchange, LLC

Tiffany Bullion
Director of Operations

CC:

Enclosures –

- Form 470 #180012606
- Bid Evaluation
- Signed Letter of Intent