

RE: USAC process commentary (response to request for feedback Oct 16)

October 25, 2017 at 2:06 PM

From Nicole Taylor

To Claire Hurley Hertan

Hi Claire,

Per our phone conversation, here is the link to the appeal process if you choose to file an appeal:
<http://hurricanerelief.usac.org/about/about/program-integrity/>

Nicole Taylor

Pre-Commitments | (800) 453-1546

Ntaylor@usac.org | www.usac.org

From: Claire Hurley Hertan [mailto:chh.atmcc@icloud.com]

Sent: Wednesday, October 25, 2017 1:53 PM

To: Nicole Taylor <Nicole.Taylor@usac.org>

Subject: Re: USAC process commentary (response to request for feedback Oct 16)

Dear Nicole,

I asked for guidance on what I can do to help the members whose funding requests were not considered receive funding as of July 1, 2017.

I asked:

"I would appreciate guidance from the FCC on whether it is appropriate for me to file an appeal for this circumstance."

Thank you,

Claire

On Oct 25, 2017, at 01:28 PM, Nicole Taylor <Nicole.Taylor@usac.org> wrote:

Hello,

In answer to your request for suggestions, I propose that USAC recognize that the information required on these separate 462s was submitted on time in one combined 462 and still qualifies for at least a subsidy that starts as of July 1, 2017. The Consortium member information was submitted on time. For the public good, they deserve to be awarded the full amount of the subsidy.

According to the statement above, included in your feedback, we noted the suggestion and appreciate your participation in the Stakeholder Feedback group. At this time, we are still in the process of organizing and creating next steps for the Stakeholders to formally submit feedback. The initial email was only to collect the contact information for participants.

Are there any specific questions or concerns I may assist with?

Nicole Taylor

Pre-Commitments | (800) 453-1546

From: Claire Hurley Hertan [<mailto:chh.atmcc@icloud.com>]
Sent: Wednesday, October 25, 2017 1:22 PM
To: RHC-Assist <rhc-assist@usac.org>; Nicole Taylor <Nicole.Taylor@usac.org>
Subject: Re: USAC process commentary (response to request for feedback Oct 16)

Dear Nicole,

Will someone at USAC be responding to the specifics of my feedback? I tried to call you but the help desk was busy. I left a message.

Thank you,
Claire
671-584-6663

On Oct 19, 2017, at 01:30 PM, RHC-Assist <rhc-assist@usac.org> wrote:

Good afternoon Claire,

Thank you for the detailed feedback. We truly appreciate the time and effort placed into your response. Would you like to be added to the Stakeholder Feedback group once further information regarding how to provide this feedback is sent?

Warm Regards,

Nicole Taylor

Universal Service Administrative Company (USAC)
Rural Health Care Department (800) 453-1546
RHC-assist@usac.org | www.usac.org/rhc

From: Claire Hurley Hertan [<mailto:chh.atmcc@icloud.com>]
Sent: Wednesday, October 18, 2017 7:41 PM
To: RHC-Assist <rhc-assist@usac.org>
Subject: USAC process commentary (response to request for feedback Oct 16)

Dear RHC-Assist,

I am the Consortium Leader for American Telemedicine Connect Consortium (ATMCC, #44647), and the recent window that closed on June 30 was my first time through a FCC Universal Service process.

ATMCC's 67% rural consortium #100021853 has ten hospitals and two rural health clinics in Wyoming as members. It was also the representatives of our consortium members first time through the Healthcare Connect Fund procedure. The staff at these hospitals and clinics expended a considerable amount of energy to undertake the subsidy application process.

I thought the analysis of the bids, the validation, and the certifications that I gave on the last Form 462 I completed, #17269511, related to the group as whole, similar to the Form 461's structure. Therefore, it was my understanding that I complied with the rules and had submitted all the 462s in my portal when I submitted #17269511. I initially took the 462 confirmation I received for #17269511 to be for the group submission.

The 462s in ATMCC's portal are ready and waiting to be reviewed using the analysis of the bids, the validation and certifications I put in #17269511. The network cost worksheet for 462, #17269511, is for St. John Medical Center's primary line connectivity and distribution. The network cost worksheet information for the additional six vendors that supply St. John's Medical Center's secondary line and the broadband and internet service and eligible equipment for seven more hospitals and the two clinics are in the other 462s in ATMCC's consortium # 100021853. This information was complete as of June 30, 2017.

In the Consortium group's documentation to the final 462 I did submit, #17269511, my summary note reflected my misunderstanding, at the time, that I was submitting the supporting documentation not only for 462 #17269511, but also for ATMCC's entire group of 462s. Consortium leaders accept, when they register their consortium with USAC, that all material in the portal belongs to USAC. From this, I concluded that the 462s would be reviewed as a group once I certified and submitted the supporting documentation for the group. I did not review the 462 #17269511 confirmation closely, as I could have corrected the error prior to the end of the day on June 30.

Over the past four months, I have communicated my mistake many times to USAC's staff: program manager Blythe Albert, persons working at the help desk, and 17269511's reviewer, Rimsha Khan. Everyone I have spoken to has been kind, expressing their concern and sympathy. They conclude though that USAC's rules are the rules, and the additional 462s will have to be technically submitted during the next window.

We did rush to meet the filing deadline. This was due to a host of factors, but mainly from our having first time filers', and even the vendors' salespersons, lack of experience with the application process. It was also right before what many were taking as a long holiday weekend. On July 1 in the morning after the date of the deadline (June 30), I started double checking ATMCC's submission and discovered the 462 confirmation was just for St. John's Medical Center.

When I realized the technical filing error, I immediately emailed Blythe Albert (July 1) as when I was researching Wyoming's HCF participation in September 2016, I asked Nicole Taylor at the help desk why an urban hospital was receiving HCF there individually. My question led to my meeting Blythe Albert when she helped Nicole with the answer. She had encouraged me to reach out if she could be of help.

Blythe responded that USAC was forbidden from accepting new FRNs once the window had closed. She noted though "If you simply need to add documents to FRN 17269511, a reviewer will reach out to you for any missing documentation." I also asked if there was an appeal process. She wrote "For something like this you would have to submit a request for a waiver of the rules to the FCC. They would expect you to show them 'just cause' for why you couldn't submit your funding request in time."

I wrote a letter to Marlene H. Dortch, the FCC secretary, for the members of the FCC explaining the oversight. Even though I had filed the 462 at 3 pm on June 30, hours before the final deadline, I made a filing error in submitting data for the entire Consortium group instead of a separate 462 for each member of the group. Therefore, I did not believe that I qualified for the circumstances justifying an appeal, so I did not file an appeal. I would appreciate guidance from the FCC on whether it is appropriate for me to file an appeal for this circumstance.

Blythe and the members of the USAC help desk assured me the 462 reviewer would look closely at what I had submitted. Given that my intent was evident in what USAC planned to review in my 462 # 17269511, I decided to wait until this information was examined, and ask the reviewer who would know the specifics what I could do regarding an appeal. As the program is intended to help healthcare providers, it made sense to me that after a careful review, the program's objectives would override my mistake.

The 462's reviewer, Rimsha Khan, was sympathetic and followed my logic, but she said that USAC could not accept new FRNs once the window was closed. Even though the FRNs were in the portal before the window closed and technically they belong to USAC, they did not count in her understanding as available for USAC's review.

In this case, USAC's system seems flawed to me. Despite the hard work of these healthcare providers with limited resources that are prime targets for the HCF subsidy, my misfiling is the obstacle to their obtaining a potentially life saving benefit as fast as possible.

In answer to your request for suggestions, I propose that USAC recognize that the information required on these separate 462s was submitted on time in one combined 462 and still qualifies for at least a subsidy that starts as of July 1, 2017. The Consortium member information was submitted on time. For the public good, they deserve to be awarded the full amount of the subsidy.

Sincerely,

Claire Hurley, President
American Telemedicine Connect Consortium, Inc.
617-584-6663
chh.atmcc@icloud.com

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